



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 29 January 2019
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**Planning Committee meeting on Wednesday, 6 February 2019
at 2.00 pm in the Council Chamber, Civic Centre, Poulton-le-Fylde**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

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

- 3. Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 5 December 2018 (already circulated by email).

- 4. Appeals** (Pages 1 - 6)

Schedule of Appeals lodged and decided between 15 November 2018 – 15 January 2019, attached.

- 5. Planning Applications** (Pages 7 - 92)

Background Papers:

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

1. The Wyre Borough Local Plan (1999)
2. Wyre Borough Core Strategy Preferred Options document (March 2012)
3. Wyre Local Plan Issues and Options (June 2015)
4. Submission draft – emerging Wyre Borough Local Plan 2011-2031
5. Joint Lancashire Minerals and Waste Local Plan
6. Statements of Government Policy/advice (NPPF, NPPG, Circulars etc.).
7. Supplementary Planning Documents and evidence base documents specifically referred to in the reports.

8. The application file (as per the number at the head of each report).
9. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
10. Any additional information specifically referred to in each report.

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

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

**Item 1, Application No: 18/00734/FULMAJ –
Land South of Rosslyn Avenue, Preesall**

Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue.

**Item 2, Application No: 18/00614/FULMAJ –
Land at the Corner of Breck Road and Station Road, Poulton-Le-Fylde, Lancashire**

Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store.

**Item 3, Application No: 17/01087/OUT –
Rear of Highford Court, 158 Highcross Road, Poulton-Le-Fylde, Lancashire, FY6 8DA**

Outline planning application for 2 dwellings with access off Highcross Road with all other matters reserved.

**Item 4, Application No: 18/01080/FUL –
246 Fleetwood Road North, Thornton Cleveleys, Lancashire, FY5 4LD**

Conversion of part of first floor into a two bedroom apartment with separate access using staircase to side and change of use of land to form parking area for proposed apartment.

**Item 5, Application No: 18/01094/FUL –
Far End, Holmefield Avenue, Thornton Cleveleys, Lancashire, FY5 2QP**

Two storey front and side extensions with front dormer.

PLEASE NOTE:

Transport for the Members will leave the Civic Centre, Poulton-Le-Fylde for the Four Site Visits at 10.15am

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15th November 2018 – 15th January 2019

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
18/00427/OUT	Land Adjacent To Lower House Barn Park Lane Forton Preston Lancashire PR3 0JX	Outline application for the erection of up to 2 no. dwellings, with access.	Delegated	Written Representations	22 November 2018
17/00709/OUT	Land Adjacent Foxfields Hall Gate Lane Stalmine Lancashire FY6 0QR	Outline application for the erection of up to 4 No dwellings	Delegated	Written Representations	10 January 2019
18/00650/FUL	Land On The South Side Of Oaklands Underbank Road Thornton Cleveleys Lancashire FY5 5LN	Erection of 2 bedroom dwelling (Re-submission of planning application 17/00774/FUL)	Delegated	Written Representations	10 January 2019
17/00669/OUT	Land At Fouldrey Avenue Poulton-Le-Fylde Lancashire	Outline application for the erection of six detached dwellings (all matters reserved)(resubmission of 16/00254/OUT)	Delegated	Written Representations	10 January 2019
18/00767/FUL	White House Farm White House Lane Great Eccleston Preston Lancashire PR3 0XB	Erection of one detached dwelling	Delegated	Written Representations	11 January 2019

Appeals Decided between – 15th November 2018 – 15th January 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
17/00320/FULMAJ	Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU	Erection of 17 houses and associated works (Re-submission of 16/00514/FULMAJ)	Committee	Dismissed	15 January 2019



Appeal Decision

Site visit made on 18 September 2018

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2019

Appeal Ref: APP/U2370/W/18/3203625

Land off Ormerod Street, Thornton, FY5 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Baxter Homes Ltd against the decision of Wyre Borough Council.
 - The application Ref 17/00320/FULMAJ, dated 29 April 2016, was refused by notice dated 4 April 2018.
 - The development proposed is 17 no. houses consisting of 13 no. 2b4p houses & 04 no. 3b5p houses and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into consideration.
3. During the course of consideration of the appeal the Council provided an updated position with regard to their housing land supply. The appellant was provided with a copy of the updated figures and was invited to comment on the information.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the living conditions of the existing occupiers of the houses on Heys Street with regard to privacy and future occupiers of the proposed houses with particular regard to privacy, outlook, noise and disturbance;
 - the character and appearance of the area.

Reasons

Living conditions

5. The appeal site is an irregular shaped elongated parcel of land which slopes gently upwards towards the top (west) end of the land. It is located to the rear of a small number of traditional terrace houses and a modern housing development which predominantly consists of relatively large detached houses

with a row of three storey town houses. The site is bordered to the north by the training pitches of Fleetwood Town Football Club. Although interested persons suggest the land is used for recreational purposes, it has the general appearance of vacant land. To the east of the site are more traditional terrace houses.

6. The Councils Spacing Guidance for New Housing Layouts Supplementary Planning Guidance (SPG) requires that the minimum distance between rear elevations and rear boundaries is 10.5m. A consequence of the proposed layout is that some of the rear garden depths would fall below this standard. The rear gardens to the proposed houses on plots 6 – 17 would range from about 7 – 11m, with the training pitches being located within about 5m of the rear fence lines of these plots.
7. I have sympathy with the appellant as it appears there is an on-going breach of condition in respect of the use of the training pitches. Therefore, at this time the Council is concerned about the potential impact of noise from users of the training pitches on the occupiers of the proposed houses. I note that the officer considered that, subject to mitigation measures, including a certain specification of glazing and a 2.5m high acoustic fence, this concern could be overcome. However, it is acknowledged in the officer's report that there is potential for such a fence to have an adverse visual impact.
8. Details of the acoustic fence have not been provided. However, it seems likely that in order to deliver the required noise reduction that any such fence would be substantial in terms of design and construction. The officer considered that any visual harm could be mitigated through the appropriate use of colour and materials. However, I agree with the Council that the adverse visual impact of such a fence could not be overcome through the use of materials and colour or landscaping, which would further reduce the garden depth as it would need to be substantial to offer any screening.
9. Because of the shortfall in garden depth for some of the proposed houses and the significant height of the fence, I consider this would have a significantly adverse effect on future occupiers living conditions, particularly but not solely those with the shorter gardens, by way of an adverse visual impact on outlook from within the houses and would significantly compromise the enjoyment of those gardens. This would be contrary to the overall amenity protection aims of Policy SP14 of the Wyre Borough Local Plan 1991 - 2006 Written Statement (Local Plan). It would also conflict with the Framework which seeks to ensure a high standard of amenity for existing and future occupiers of buildings.
10. The SPG sets out minimum spacing standards. The relevant required separation distances in this case being 21m. Despite the SPD having been produced in 1998, it is a recognisable and commonly used standard. The separation distance between the proposed houses on plots 1 – 2 would be about 21m. However, on plots 3 -4 it would be about 20.5m. These distances have been taken from the outer face of the two storey outriggers at the rear of numbers 9 -14 Heys Street, with the exception of no.12 which does not have an outrigger.
11. The rear elevations of the proposed houses on plots 1 – 4 and the rear of 9 – 14 Heys Street would be almost parallel and the ground levels of the proposed houses would be 500mm higher. The difference in ground levels does not necessarily justify the need for greater separation distances.

12. According to the Council the outriggers contain a kitchen window at ground floor level. Views from the kitchen windows are largely restricted by existing boundary treatments. Views from the ground floor windows of the proposed houses towards these existing windows would therefore be limited and further, landscaping and boundary treatments could be required by condition to restrict the views even more. Whilst some views from the first floor windows of both the existing and proposed houses would be possible, given the marginal shortfall in separation distances I consider that this would not have a materially adverse effect on privacy levels.
13. Despite a technical breach of the SPG, overall, I consider that the shortfall in the separation distance would not result in unacceptable harm to the living conditions of the occupiers of houses on Heys Street or the future occupiers of the proposed houses on plots 1 - 4 as a result of overlooking. Therefore there is no conflict with Policy SP14 of the Local Plan or the Framework and this would not be a reason alone to dismiss the appeal.

Character and appearance

14. The Council appear to raise no concern with the design of the houses and I see no reason to take a different view. Given the mix of housing seen in the vicinity of the site, ranging from traditional terraces with fairly small back yards, to large modern detached homes with more space around them and the location of the site adjacent to the football club training facility, I find that the proposed development would not have an incongruous appearance and would cause no material harm to the character and appearance of the area. There is therefore no conflict with the overall design aims of Policy SP14 of the Local Plan or the Framework.

Planning balance

15. In refusing the application the Council referred to Policy SP14 of the Local Plan. Whilst the Local Plan was adopted over 19 years ago, the overall design and amenity protection aims of Policy SP14 are consistent with those of the Framework and as such I attach substantial weight to it.
16. It is evident from the planning officers report that there were concerns with the overall standard of the development and it was concluded that it "*is a very finely balanced matter and it is considered that the benefits just outweigh the adverse effects of the development*". The benefits being the provision of 17 affordable houses. In this regard I acknowledge the support of the Council's Affordable Housing Officer and have had regard to the findings of the Strategic Housing Market Assessment (2014) which identifies a need for 52 affordable dwellings in Thornton. However, it seems to me that the need to boost the supply of new houses should not be at the expense of achieving well designed development that provides acceptable living conditions.
17. At the time the planning application was considered the Council could not demonstrate a 5 year supply of housing land. However, in their statement the Council stated they had a supply equivalent to 5.19 years. During consideration of the appeal the Council submitted a revised position statement in respect of their housing land supply which they contend demonstrates they have a supply of 11.2 years. The Council state they have calculated this figure using the new standard methodology set out in Planning Practice Guidance, applying a 5% buffer. This figure has not been examined and whilst raising doubts over the

originally submitted figure the appellant has not responded to the Council's latest position or provided any substantive contradictory evidence.

18. When judged against some of the core planning principles from the Framework the proposal would perform well in that it would be in an area where there is good access to facilities and would contribute to the supply and broaden the mix of housing. Short term economic advantages would also arise from the construction of the houses and further benefits would result from the additional support to the vitality of the local community from the future occupiers of the houses. I have also had regard to the proposed construction of the houses using modern technologies that would reduce co2 emissions. However, the harm to the living conditions of future occupiers in respect of outlook means that the social objective of sustainable development would not be achieved.
19. Even if the Council were unable to demonstrate a 5 year supply of housing land, overall, I find that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the Development Plan.

Other Matters

20. I acknowledge that the Council found the proposal to cause no harm in respect of conservation interests, ecology or flood risk. Nevertheless absence of harm in these regards cannot outweigh the harm I have identified.

Conclusion

21. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR

Planning Committee

6 February 2019

Item No	Site/ Video/ Photos	Application Number	Location	Proposal	Rec.	Decision
1	S	18/00734/FULMAJ	Land South Of Rosslyn Avenue Preesall	Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue	PER	
2	P	18/00614/FULMAJ	Land at the Corner of Breck Road and Station Road Poulton-Le-Fylde Lancashire	Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store	PER	
3	S	17/01087/OUT	Rear of Highford Court 158 Highcross Road Poulton-Le-Fylde Lancashire FY6 8DA	Outline planning application for 2 dwellings with access off Highcross Road with all other matters reserved	PER	
4	S	18/01080/FUL	246 Fleetwood Road North Thornton Cleveleys Lancashire FY5 4LD	Conversion of part of first floor into a two bedroom apartment with separate access using staircase to side and change of use of land to form parking area for proposed apartment	PER	
5	S	18/01094/FUL	Far End Holmefield Avenue Thornton Cleveleys Lancashire FY5 2QP	Two storey front and side extensions with front dormer	PER	

Page 7

Agenda Item 5

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Committee Report**Date: 06.02.2019**

Item Number	01
Application Number	18/00734/FULMAJ
Proposal	Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue
Location	Land South Of Rosslyn Avenue Preesall
Applicant	M.C.I Developments Limited
Correspondence Address	c/o M.C.I Developments Limited Mr William Fulster 15 Beecham Court Smithy Brook Road Pemberton Wigan WN3 6PR
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a rectangular parcel of undeveloped pasture land (approx 1.31ha) located at the southern end of Rosslyn Avenue in Preesall. The site is relatively flat (approx. 5.3m AOD) and is bound by mature vegetation/hedgerows with an established gated access at the head of Rosslyn Avenue. The surrounding area is mixed in character. To the north backing on to the site is a row of bungalows which make up Rosslyn Crescent East and Rosslyn Crescent. To the west static caravans from Willow Grove Caravan Park line the boundary. To the east is open agricultural land. To the south is a large fishing lake with a central island of trees and timber lodges to the north and west. To the south west and separated by an adjoining agricultural field is Willow Farm which is also accessed from Little Tongues Lane. Also against the eastern boundary there is a network of field drains which connect and discharge to the Wheel Foot Watercourse.

2.2 The application site is designated as 'Countryside Area' within both the adopted Local Plan and the Emerging Local Plan. The site is located within Flood Zone 3 and there is a Public Right of Way (PROW) along the northern boundary (FP19) which links to Beechfield Avenue to the north. The majority of the site is classified as Grade 2 Agricultural Land (land defined as being very good quality).

3.0 THE PROPOSAL

3.1 The application seeks full planning consent for the erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue. The proposed dwellings consist of 15 x 2 bedroom bungalows, 11 x 2 bedroom houses and 13 x 3 bedroom houses and all of the dwellings are proposed to be affordable rented units. The dwellings are to be externally finished in red brick (Ibstock Moroeth Blend and Calderstone Claret) under a grey concrete roof tile (Russell Grampian) with dark grey UPVC windows and doors.

3.2 Access to the site is to be gained via a continuation of Rosslyn Avenue with the new access road measuring approximately 10m in width including 2m pedestrian footpaths either side. The access road runs into the site creating an internal T shaped internal road layout with a turning head to the western end with shared drives either side. Each of the dwellings are shown to be set back from the internal highway and have a minimum of 2 off street parking spaces either to the front or side of the dwellings and rear gardens in excess of 10m in depth.

3.3 In conjunction with the submitted plans the application is accompanied by a range of supporting documents as follows:

- Planning and Affordable Housing Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Flood Risk and Sustainable Drainage Statement
- Flood Risk Sequential and Exceptions Test
- Transport Statement
- Utilities Statement
- Boundary Treatment Plan
- Topographical Survey
- Financial Viability Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

- 16/00978/OUTMAJ - Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved) - Refused and dismissed at appeal

4.3 The following planning history is also of relevance given its proximity to the site:

- 16/00100/OUT - Land at 4 Rosslyn Avenue - Outline application for residential development of up to 9 dwellings, with the demolition of existing house to form new access road (all other matters reserved) - Refused - Allowed on appeal

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be

given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off
- Policy CIS6 - Securing adequate servicing and infrastructure
- Policy CIS7 - Wastewater Management
- Policy H13 - Open space in new housing developments
- Policy TREC12 - Public Rights of Way

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Policy SP1 Development Strategy
- Policy SP2 Sustainable Development
- Policy SP4 Countryside Areas
- Policy SP6 Viability

- Policy SP7 Infrastructure Provision and Developer Contributions
- Policy SP8 Health and Wellbeing
- Policy CDMP1 Environmental Protection
- Policy CDMP2 Flood Risk and Surface Water Management
- Policy CDMP3 Design
- Policy CDMP4 Environmental Assets
- Policy CDMP6 Accessibility and Transport
- Policy HP1 Housing Land Supply
- Policy HP2 Housing Mix
- Policy HP3 Affordable Housing
- Policy HP4 Rural Exceptions
- Policy HP9 Green Infrastructure
- Policy EP8 Rural Economy

5.2.4 The draft Local Plan is prepared on the basis of the comprehensive housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the evidence supporting the Local Plan shows that the full OAN cannot be delivered. In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined in its initial response (published 30th July 2018) to the Inspector's report that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to-date housing supply position based on the 31 March 2018 figures. The local plan and specifically the examination has reached an advanced stage and significant weight should be attributed to this position which demonstrates a 5 year land supply; therefore the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply.

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless :

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.3.2 The NPPF (paragraph 73) sets out that where the adopted strategic policies i.e. the Local plan is more than five years old, the local planning authority should

calculate their five year housing supply against their local housing need. The NPPF is supported by a local housing need methodology note that sets out how local planning authorities should calculate their local need. For Wyre, the current Local Plan was adopted in 1999 and in accordance with the NPPF, is considered out of date in relation to calculation for housing land supply. The standard local housing methodology for Wyre indicates a minimum annual local housing need of 281 dwellings. The transitional arrangements in the local housing need methodology note also mean that only a 5% buffer is applied, this is due to over delivery against the household projections over the last three years. In calculating a five year housing supply, the local housing need of 281 dwellings set against the NPPF new definition of 'deliverable' and providing a 5% buffer, the Council's current five year housing supply exceeds 11 years. The position is set out in the Council's published position statement, dated 20th September 2018. This reflects the most up-to date housing supply position based on the 31 March 2018 figures.

5.3.3 Under the housing requirement in the emerging local plan that has reached an advanced stage and under the NPPF standard local housing methodology that currently applies in the absence of an adopted Local plan that is no more than five years old, the Council has a five year housing land supply. Therefore it is the Council's view that the tilted balance in favour of sustainable development (as set out in paragraph 11 of the revised NPPF) is not triggered for the purpose of deciding this application.

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

- Section 2 - Achieving sustainable development
- Section 9 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring vitality of town Centres
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment

5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

6.0 CONSULTATION RESPONSES

6.1 PREESALL TOWN COUNCIL - Strongly object to the application. The primary concerns raised relate to the following points:

- Development outside the settlement boundary
- Previous development on the site has been refused
- Flood risk
- Drainage and sewage disposal
- Access and opportunities
- Impact upon wildlife habitats
- Potential land contamination
- Detrimental Impacts on amenity

6.2 ENVIRONMENT AGENCY

6.2.1 No objections - Advised that the FRA submitted with the application adequately demonstrates the development will be safe in the design flood with allowance for climate change. It is recommended that a condition requiring the development to be carried out in accordance with the submitted FRA and the mitigation measures set out within is attached if minded for approval.

6.3 UNITED UTILITIES

6.3.1 The FRA submitted with the application is acceptable and that the drainage strategy as proposed should be conditioned accordingly. In particular no surface water will be permitted to drain directly or indirectly into the public sewer. A condition relating to the management and maintenance of sustainable drainage systems should also be attached if approved.

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections. A full Habitats Regulations Assessment has been carried out as reported in paragraph 9.7. The ecology report submitted with the application has been fully assessed. GMEU are of the opinion that the current application site is unsuitable to be used by important bird species most associated with Morecambe Bay a European protected site. As the watercourse is drained in to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) there is a risk of pollutants entering the system both during and post construction. Conditions are recommended to address this. Other conditions have been requested in relation to the protection of nesting birds and enhancing the Natural Environment.

6.5 NATURAL ENGLAND

6.5.1 Advised that as a competent Authority a Habitats Regulations Assessment should be undertaken to assess the impacts upon the Lune Estuary / Morecambe Bay SSSI/SPA/SAC and Ramsar Sites. Bird surveys recommended. Mitigation should consider recreational disturbance - condition suggested. Protection of watercourses linked to the Lune Estuary is required.

6.6 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.6.1 No objections - LCC Highways 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. No objections on highway capacity grounds is given on the basis that Highways England are not objecting to this development after assessing the highway impact on the traffic signals at Shard Road / Shard Bridge (A588). Concerns have been raised as the proposal fails to adequately promote safe and sustainable travel by modes other than car. LCC Highways are of the opinion that the proposed 39 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site.

6.7 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.7.1 No observations received at the time of compiling this report.

6.8 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.8.1 A contribution towards education provision is required towards secondary education (2 school places) at St Aidans C of E High School. This is currently calculated at £47,474.56. There is no requirement for any primary education contributions. This response is based on a reassessment at the time of compiling the committee report (15/01/2019).

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND)

6.9.1 No objections however there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information is required in this respect. If approved gas protection measures should be conditioned or the standard desk top survey

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (DUST AND NOISE)

6.10.1 No objections subject to a condition for a Construction Environmental Management Plan (CEMP) to be submitted to prevent impacts arising from noise, dust and light pollution.

6.11 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.11.1 No objections in principle. Confirmation of drainage details including SuDS to be provided. Flood Risk Assessment proposes that ground levels are increased to allow surface water and foul drainage to achieve a gravity connection. Ground levels adjacent to existing properties must not be raised to ensure that they are unaffected by surface water runoff. Full construction details, including proposed land levels to be submitted for approval.

6.12 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.12.1 No objections however advised that as a result of the landscape plan being made available it is recommended that the full loss of the majority of the boundary hedgerows would not be acceptable and they should be encouraged to be retained where possible. The revised landscaping plan is considered acceptable which identifies the northern and southern hedges to be laid and gapping up. The western hedgerow is significantly diminished and is therefore of a lower retention value and as such the proposed 5 new trees along this boundary would provide suitable mitigation and enhancement for this loss.

6.13 WBC PARKS AND OPEN SPACES MANAGER (PARKS AND OPEN SPACES)

6.13.1 In the absence of onsite public open space being provided a financial contribution should be secured to the amount of £45,149 which would go towards the Preesall Park Playing Fields Master Plan.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 42 letters of objection received including supporting photographic evidence. The primary planning related concerns raised are:

- Flood risk - Field regularly floods and site is in Flood Zone 3

- Ecological impacts - Loss of natural habitats, impacts upon breeding cycles for geese and ducks - Protected Species i.e. bats and newts
- Loss of flora and fauna
- Congestion issues and capacity issues on Shard bridge, Rosslyn Avenue and Pilling Lane
- Rosslyn Avenue unsuitable for heavy vehicles
- Site would be best used as allotments for the community
- Noise and disturbance on amenity of residents
- Access not suitable or safe
- Impacts upon the elderly at the medical centre
- Roads are collapsing
- No infrastructure for more dwellings
- Cars double park along Rosslyn Avenue making it difficult to pass
- Impacts on pedestrian safety in particular school children
- Schools can't cope with more capacity
- Consent has already been refused on the site previously
- Greenfield site should be preserved
- Impacts from HGVs
- Loss of views
- Impacts upon drainage capacity (Foul and surface water)
- Overlooking and loss of privacy
- Increase use of PROW will lead to security issues
- Flooding of neighbouring gardens
- Impacts upon gas mains
- Loss of hedgerows
- Traffic Assessment is inaccurate
- No need for Affordable Housing in the area
- Increase in air pollution
- Public transport provision is not as set out In supporting documents
- No longer an outfall for surface water at the wheel foot watercourse
- Public footpath over grown

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing contact has been maintained throughout the course of the application with the agent to discuss the principle of the development, flood risk sequential and exceptions test, highways capacity and landscaping. Other matters such as viability, design and Section 106 contributions have been discussed and an extension of time has been agreed until the 15th February 2019.

9.0 ISSUES

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

- Principle of development and policy compliance
- Visual Impact / Impact on the street scene and local landscape
- Impact on residential amenity
- Impact on the transport network / highway safety / parking
- Flood risk and drainage
- Ecology, nature conservation and trees
- Contamination
- Planning obligations and viability

Principle of development and policy compliance

9.2 This planning application seeks full planning consent for the erection of 39 affordable residential dwellings with associated access and landscaping. The application site is an undeveloped rectangular parcel of green field land located immediately adjacent to the identified settlement boundary for Preesall and Knott End as shown on the Emerging Local Plan Proposals Map and is designated as Countryside Area within both the Adopted Local Plan and the Emerging Local Plan. As the site is outside the settlement boundary, and the Council can demonstrate an up-to-date five year housing land supply (as set out in para 5.2.4 and 5.3.2), new residential development for open market sale/occupation would be resisted as Saved Policy SP13 of the Adopted Local Plan and Policy SP4 of the Emerging Local Plan would be applied. Both of these policies seek to resist new development in the countryside which would adversely impact on the open and rural character and landscape unless specifically identified as an appropriate form of development.

9.3 However, in this instance the application has been submitted with supporting documentation setting out the proposal should be considered as a rural exceptions site. The National Planning Policy Framework (NPPF) defines a rural exception site as:

"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection".

9.4 Whilst not a supported form of development under saved policy SP13, rural exception sites are supported in the Emerging Local Plan and the NPPF (paragraph 77), which are both to be given significant weight. Paragraph 77 of the NPPF sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local Planning Authorities should support opportunities to bring forwards rural exception sites that will provide affordable housing to meet identified local needs. Policy SP4 lists rural exception sites as an appropriate form of development in the countryside in accordance with Policy HP4 (rural exceptions policy). Policy HP4 sets out that where a local need for affordable housing development exists for which land is not available within the settlement boundaries, either because suitable land does not exist or because it is not available for sale, it may be appropriate to permit development outside the settlement boundary to meet that need, and in the first instance such development should be located on land immediately adjoining the existing boundary of a village.

9.5 Initially the application failed to satisfactorily demonstrate compliance with the policy criteria. As such, the applicant was requested to provide further justification that suitable land was not available within Knott End and Preesall as well as neighbouring settlements (most notably Stalmine) and that a need exists for affordable housing in the locality. A number of concerns have been raised from the public consultations and Preesall Town Council as to the principle of the development and the lack of need for any additional affordable housing in the locality. In addressing the concerns regarding the need (and compliance with criteria 1a of Policy HP4) The Rural Affordable Housing Needs Survey 2015-20 (January 2016) lists the annual affordable housing requirement for rural Wyre as being 125 dwellings per annum, of which 10 dwellings per annum are needed in Preesall. In addition, the Strategic Housing Market Assessment (SHMA) Addendum 3 (OAN Update) was published in September 2017 and that indicates the net annual affordable housing

need for the whole of Wyre over the next five years is 134 dwellings per annum. This delivery is dependent upon a significant uplift in the recent level of affordable housing delivery in Wyre. Beyond this initial five year period (post 2022) an estimated 189 affordable homes will be needed annually. Both assessments of need factor in affordable housing supply. Housing monitoring records show that there has not been any on site affordable housing provision in Preesall since 2010/11 when 27 units were built on Pinewood Avenue. There are no current extant planning approvals for on-site affordable housing in Preesall. Outline planning consent 16/00010/OUTMAJ on land at Rosemount Avenue is to make a financial affordable housing contribution (which would not necessarily be restricted to a scheme in this Ward). As such, this development would meet an identified need for new affordable housing both in the settlement and the Borough. This is confirmed by the Council's Community Housing Development Officer who advises the Borough has an identified unmet need for affordable housing and in particular housing for rent. In this turn the proposed development would comply with Criteria 1.a) of Policy HP4.

9.6 As set out above the applicant was requested to provide further information to demonstrate there was not any suitable land available to accommodate the development within the settlement boundary and in any other nearby settlement boundaries. Officers identified one site which would potentially be suitable within the Knott End and Preesall settlement boundary which is a site to the west off Rosemount Avenue and benefits from an extant permission (16/00010/OUTMAJ). There is also an application pending determination for that site (18/00414/FULMAJ) for the erection of 46 residential dwellings. Clarification and confirmation has been submitted by the agent to demonstrate that the site is not available for this development, and that no other sites are available after searching through the list of sites within the Strategic Housing Land Availability Assessment (SHLAA). Based on the supplementary evidence submitted officers are satisfied that the applicant had satisfactorily demonstrated that suitable land is not available within the settlement boundary or the adjacent settlement boundary of Stalmine which could accommodate this development. In this turn the proposed development would comply with Criteria 1.b) of Policy HP4.

9.7 Within the description of development and the supporting documentation submitted it is clear that all the dwellings proposed are to be affordable units let on an affordable rent basis with a local connection criteria as set out within the supporting information. The applicant has provided evidence that there is an identified Registered Provider (RP) secured to manage the proposed development. If approved the proposal would be subject to a Section 106 legal agreement ensuring the dwellings would be made available as affordable housing for those in need with a local connection in perpetuity. In this turn the proposed development would comply with Criteria 1.c)-e) of Policy HP4.

9.8 Part 2 of ELP Policy HP4 seeks to ensure rural exception sites are sustainably located and are not isolated. This is in accordance with the general aim of Policy SP2 of the Emerging Local Plan which sets out in detail how new development should promote sustainable development and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. In addition paragraph 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of the rural community. Geographically, the application site is located within a predominantly residential area adjacent to the settlement boundary and residential dwellings south of Rosslyn Avenue, Rosslyn Crescent and Rosslyn Crescent East. Also immediately to the south and west of the site are residential caravan and holiday parks. There is a designated Public Right of Way (PROW)

(FP19) along the northern boundary of the site which connects through to Beechfield Avenue and provides pedestrian connectivity to the surrounding residential area. In terms of accessibility and connectivity to community services and infrastructure the site is in close proximity to an array of provisions. Within 800m of the site is a Pre School/Nursery, 1.2km away is the Over Wyre Medical Centre adjacent to which is the Parish Church of St Oswalds, Carters Charity School is located 1.6km from the site and St Aidans C of E High School is 2.8km away. Also within walking distance from the site are a number of public houses, convenience stores and recreational facilities including at Preesall Park where there is also a youth centre and sports centre available for public use. All of these facilities can be safely accessed via illuminated pedestrian footpaths, by bicycle or public and private transport. It is clear from the neighbour representations that there is serious concerns that there is not enough infrastructure to accommodate the additional dwellings. These concerns are acknowledged, however, as set out above the site is located in a sustainable location with a good level of connectivity to community facilities and services. In this turn the proposed development would comply with Criteria 2 of Policy HP4 as set out above. For the reasons set out above and based on the satisfactory submission of supporting information in conjunction with the advice from the Council's Community Housing Development Officer, officers are satisfied that the proposed development would comply with the provisions of Policy HP4 of the Emerging Wyre Local Plan and the NPPF and can be considered to be a Rural Exception site which in principle is acceptable.

9.9 The proposed development would provide economic and social benefits to the community and would assist in supporting local businesses. Any disbenefits are discussed later in this report. Turning to the environmental objective of sustainable development the application site is characterised as a parcel of undeveloped agricultural grazing land. The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. NPPF paragraph 170 (b) indicates that "Local planning authorities should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic benefits of the best and most versatile agricultural land." Best and most versatile land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a. The majority of the application site in this instance is classified as Grade 2 (very good quality Land). The loss of 1.31 hectares of agricultural land in this instance is not considered to constitute 'significant development'. However the loss of a greenfield site in the countryside clearly weights against the proposal.

9.10 Whilst the principle is considered to be acceptable other material considerations are to be attributed weight in the overall planning balance, this includes the sites location with Flood Zone 3, Highway safety, visual and residential impacts along with ecological and other environmental matters. An assessment of all the planning merits of this application are set out below. Whilst it is acknowledged that the site has previously had residential development refused, an observation which has been highlighted in the neighbour representations, each application is to be assessed on its own planning merits against the relevant planning policies in place at that time. In this case the proposal as submitted significantly varies from previous submissions.

Visual Impact / Impact on the street scene and local landscape

9.11 Saved Policy SP14 of the adopted Local Plan seeks to apply consistent principles and high standards of design and amenity for all types of development. It

goes on to list criteria in which proposal would need to comply with including that proposals should be compatible with adjacent and existing land uses (Criteria A) and should be acceptable in the local landscape in terms of its scale, mass, style and use of materials (Criteria B). Policy SP4 of the emerging local plan emphasises that development must not adversely impact on the open and rural character of the countryside and policy CDMP3 emphasises on the need for development to be of a high standard of design and make a positive contribution to the townscape/landscape. The fundamental principles of both of these policies reflect the requirement of the NPPF which places significant weight on achieving good design and on protecting the intrinsic character of the countryside. This application has been submitted as a full application with detailed plans which set out the proposed materials, house types, layout, access details and landscaping. Whilst each case is assessed on its own merits it is important to highlight that within the appeal decision for application 16/00978/OUTMAJ the Planning Inspector sets out (paragraph 12) that "whilst the appeal site is currently undeveloped, the northern field is closely related to existing built development of a reasonably high density to the north east and south, albeit some of which comprises mobile/park homes and lodges. Nevertheless it means that the character and appearance of the area surrounding this part of the appeal site is less open and rural in character than the more open agricultural land to the east. Consequently I do not consider that, subject to appropriate siting, scale and appearance, the development of the northern field for housing would be out of character with surrounding development. Whilst development on the site would be visible from surrounding properties and from public footpaths, it would be viewed against a backdrop of existing built development and not against an open rural landscape". This application site relates to that northern field which the Inspector identified as being capable of development without a detrimental impact on the area.

9.12 In assessing the appropriateness of the layout and scale of the development it is important to take into consideration the context of the immediate surroundings and any existing patterns of built form/development. In this circumstance the site is enclosed, with the exception of the adjacent agricultural field to the east, by a form of residential development. To the north Rosslyn Crescent and Rosslyn Crescent East are built up by semi-detached bungalows in a uniform pattern, set back from the highway and have rear gardens of approximately 10m in depth. To the west and south are pitched roof residential static caravans which make up Willow Grove Park, which are evenly spaced out with gable ends facing and overlooking at the application site. The layout proposed is considered to be consistent with the design and spacing of the immediate surrounding. There is an acceptable interface distance with the dwellings to the north. Plots 12 and 13, 1 and 39 have side to rear and side to side elevation relationships with the existing properties which exceed the requirements of Supplementary Planning Guidance 4. Plots 13 to 20 are all semi-detached bungalows which back on to the rear elevations of the existing static caravans on Willow Grove Park and all have (approximately) 21m separation distances. To the south Plots 25 to 34 are 2 storey semi-detached units and are set back in excess of 21m from the Lakeside Caravans within Willow Grove Park. In terms of spacing and relationship with surrounding properties, the layout submitted is considered to be acceptable, fully compliant with the spacing guidance set out within SPG4 and also is seen to have minimal impacts upon the landscape. The spacing between units still allows important views through and breaks up and reduces the bulk and massing and visual impacts of the development.

9.13 Any visual impacts arising from raising the land levels have been assessed. To comply with the submitted Flood Risk Assessment (FRA) there will be a requirement to lift the slab levels. Slab levels are shown to vary between 6m AOD

and 6.5m AOD as shown in the FRA. The adjacent existing ground levels range from around 5.25-5.75m AOD and 5.27-5.41m AOD respectively. This increase in level is not seen to be so significant that when built out the dwellings would appear out of keeping with the adjacent properties or have an unacceptable visual impact upon the landscape. In terms of the design, both the bungalows and the two-storey units are considered to be acceptable and in keeping with the character of the area. Whilst simplistic in appearance the bungalows and the semi-detached units do have features which provide additional character including stone/contrasting brick heads and cills, dark grey UPVC windows and doors, canopy's over doorways along with central decorative band coursing. Two separate material pallets are proposed (two varying blend of red brick) which will offer a variation and visual interest throughout the site. This is demonstrated on the submitted plans along with cross section/street scene elevations. Each of the dwellings have rear gardens of 10.5m in depth and 2 parking spaces per dwelling either to the front or rear of the properties. Boundary treatments comprise of 1.8m high close boarded timber panel fences to dividing plots and also along each of the site boundaries. At the site entrance a 1.5m high post and panel fence with mesh and planting is proposed and set back adjacent to the highway on a number of corner plots (namely Plots 9,4,24 and 38) a 1.8m high red brick screen wall is proposed. These boundary treatments are considered to be acceptable and provide a variation to the street scene as well as providing sufficient privacy screens where necessary. For the reasons set out above the proposed development is not considered to have any significant visual impacts upon the character of the area and the layout, design and materials proposed are all considered to be acceptable. In turn the proposal would satisfy and comply with the provisions of Saved policy SP14 of the Adopted Local Plan, Policy CDMP3 and SP4 of the Emerging Local plan and the spacing guidance set out within SPG4.

9.14 Around the majority of the boundaries there are unmanaged mature and overgrown Hawthorn hedgerows which are also overgrown with mixed vegetation and scrub. Initially the submitted landscape plan showed all of the boundary hedges to be removed (with an exception of the trees towards the north western corner of the site). Despite the site being predominantly enclosed and well screened from wider views these hedgerows do provide visual character to the site and positively contribute to the rural nature of the countryside, whilst at the same time providing valuable habitats for wildlife (a view highlighted in the neighbour notification letters). Following consultation with the Council's Tree Protection Officer it was requested that an amended landscaping plan be submitted to show the retention of the northern and southern hedgerows. Due to the overgrown and un-managed condition of the hedges it has been accepted that these would be laid and gapped up where necessary with woody species as appropriate. Whilst these will take a short time to be re-established the retention is seen to be a positive amendment and along with the additional planting and landscaping proposed, as shown on the submitted landscape plan, it will provide a soft edge to the development to help it to integrate with the adjacent countryside area.

Impact on residential amenity

9.15 The application site forms a natural extension and rounding off at the head of Rosslyn Avenue. As set out above (paragraph 9.3.1) the interface distances in relation to neighbouring residential properties are all in compliance with the spacing guidance set out within SPG4. Given the separation distances involved there is not considered to be any adverse impacts upon neighbouring amenity in terms of loss of privacy or over bearing impacts. Concerns have been raised about the loss of views across the open field however "loss of a view" from a property is not a planning matter for consideration. With the interface distances achieved each of the

neighbouring properties will still benefit from adequate levels of outlook and there will not be any loss of light or overshadowing. All of the dwellings which are closest to the neighbouring properties are bungalows with ridge heights of approximately 6.5m, and notwithstanding the proposed increase in slab levels the overall bulk and massing of the bungalows will not result in any significant adverse overbearing impacts upon residential amenity. Concerns have been raised in relation to potential increase in noise during construction however this can be managed by an appropriately worded condition. The Environmental Health Officer has not raised any objections to the proposal in relation to noise impacts. In assessing the layout the proposed relationship between units within the site is also acceptable. It is considered that the proposal would comply with Saved Policy SP14 of the Adopted Local Plan and also CDMP3 of the Emerging Local Plan as it would not result in any adverse impacts upon neighbouring amenity. Furthermore 20% of the dwellings are capable of being adaptable for the aging population and people with restricted mobility as required by policy HP2 of the emerging local plan.

Impact on highway safety / transport network / parking

9.16 The application has been accompanied by a Transport Assessment (TA) to assess the potential impacts upon the existing highway network along with any potential highway safety issues. Lancashire County Council Highways requested an amended TA to reflect the potential impacts upon highway capacity and the existing network for Over Wyre as a result of the proposed development. As the application site is not an allocation within the Emerging Local Plan the applicant has been requested to demonstrate that as well as the 250 dwellings identified as being able to be accommodated in Over Wyre (based the highways evidence for the Emerging Local Plan) an additional 39 dwellings would not have an adverse impact upon the highway network. Concerns have been raised by residents and the Town Council as to the potential impacts arising from vehicular movements as a result of the additional dwellings. LCC Highways have advised that the trip rate calculations (TRICS) predict the development to generate an estimated 162 two way vehicular movements a day with an estimated am and pm peak flow of 19 two way movements. Paragraph 109 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following the submission of the Revised TA LCC Highways have advised that they are of the opinion that the proposed 39 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site. Their position is informed by the Highways England response to this application which advises they have no objections to the development after assessing the impacts on the traffic signals at Shard Road/Shard Bridge (A588).

9.17 Other observations from the Town Council and neighbouring residents in relation to highway and pedestrian safety have been taken into consideration, this includes concerns about the condition of Rosslyn Avenue and the current issues experienced by vehicles double parking making it difficult for vehicles to pass one another along with concerns raised in relation to pedestrian safety in particular for school children. Lancashire County Council Highways have advised that whilst their Personal Injury Accident Records shows there has been three collisions at the junction with Pilling Lane the highway network in the immediate vicinity of the site is considered to have a good accident record and indicates that there are no underlying issues. Notwithstanding this, LCC Highways are of the opinion that to mitigate the development the current 30mph speed limit along Rosslyn Avenue should be changed to 20mph to reduce vehicle speeds. By reducing the speed limit to 20mph this would make the road safer for pedestrians to cross the road and for vehicles

exiting drives. The developer has agreed to fund this highway improvement. Further mitigation requested by LCC Highways relates to improvements to the Public Right Of Way to the north of the site (FP19) as there would be a demand for this route to be used by the new residents to allow them quicker access to local facilities and services. As such the developer has agreed to provide £20,000 financial contribution for both schemes. The Highways Officer has set out that the contribution towards the footpath would not provide a full re surface but it would provide patchworks and making good the areas which are currently unsuitable whilst also providing street lighting. Off-site highway works and improvements would be secured by condition and legal agreement if Members are minded to approve the application.

9.18 In terms of the site access and internal layouts as the proposal is a continuation of Rosslyn Avenue then there is no requirement for visibility splays at a site access junction and LCC Highways have confirmed that the internal road layout and parking provision would comply with current guidelines and recommendations in Manual for Streets as well as being suitable for adoption under Section 38 of the Highways Act. Furthermore, the parking provisions demonstrated on the submitted plan would comply with the parking guidance set out within SPG4 and in the parking standards set out within the emerging local plan. Subject to the proposed highway improvement works then the development of 39 dwellings as proposed in this application is not considered to have any significant or severe highway impacts and is considered to be acceptable in terms of highway capacity and safety impacts.

Flood risk and drainage

9.19 The application site is located within Flood Zone 3 which is defined as having a high probability of flooding and the proposed dwellings are defined as more vulnerable development within in the National Planning Practice Guidance (NPPG). A site specific Flood Risk Assessment (FRA) has been submitted with the application which has been assessed by the Environment Agency, United Utilities and the Council's Drainage Engineer. The Environment Agency has advised that after having reviewed all of the information set out within the Flood Risk Assessment they are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. However, the proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified. This could be secured by condition.

9.20 Given the location of the proposed scheme within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist in areas at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 157, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required.

9.21 As the proposal is for the provision of affordable housing, it is appropriate for the area of search for the sequential test to be limited to the ward in which the site is situated (Preesall and Knott End have been accepted by officers). The site area is 1.31ha and 39 dwellings are proposed. As such and in line with the Council's published guidance, the sequential test should consider sites ranging from between 35 and 44 dwellings (i.e. +/- 10%) and/or be of a size of between 1.18 ha - 1.44 ha (+/- 10%) to be comparable to the scale of development proposed. Alternative sites

set out in the 2017 Strategic Land Availability Assessment (SHLAA) have been considered along with the 2018 Housing Land Monitoring Report, the Wyre Borough Local Plan proposed allocations and also a search of sites which benefit from planning permission at the time of determination as well as approaching local agents and undertaking online land/property searches. The documents submitted by the applicant highlight a number of sites, however these fall outside of the specific search area of Preesall and Knott End or are also located within Flood Zone 3 and as such can be discounted. Based on the information provided it is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas within the ward boundary with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.22 Once the Sequential Test is passed, the Exception Test is then applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall. The Exception Test submitted outlines the benefits to the community of providing 100% affordable housing to the locality along with benefits to help support the vitality and viability of the rural community at Preesall including rural services such as shops and employment benefits such as jobs created through construction. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of part 2 of the Exception Test and paragraph 157 of the NPPF. As set out above the EA have advised that based on the FRA submitted the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall. This is subject to a number of recommendations e.g. minimum finished floor levels set at 600m AOD. The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure implementation of the recommendations if Members are minded to approve this application.

9.23 The application has been accompanied by a Drainage Strategy which sets out the proposed drainage of the site for both Surface and Foul waters. Within the strategy it sets out that surface water will be discharged to the existing water course/field drain to the southern boundary with a green field discharge rate of 5ltr per second and that foul waters will be connected to the existing foul drainage system within Rosslyn Avenue. Concerns raised by residents in relation to increased flooding and the impacts upon the existing sewage system which is believed to be regularly collapsing have been considered. Whilst at the time of compiling the report Lancashire County Council Lead Local Flood Authority have not provided comments on the scheme, United Utilities and The Council's Drainage Engineer have both raised no objections to the technical information submitted. Based on the surface water drainage scheme proposed it is not considered that neighbouring dwellings, including the existing dwellings which back onto the site, will be at risk of increased flooding from this development. The Drainage Engineer has confirmed he has no issue with the levels proposed. A new culverted drain around the northern and western perimeter is proposed which will carry surface water to the existing field drain to the south of the site and prevent run off into the rear gardens. United Utilities have also raised no objections to connecting to the existing sewers. Whilst it is not disputed that there are issues with the current sewage drains within Rosslyn Avenue, United Utilities would have to address any damages or failures should they occur at

that moment in time. In practice it cannot be assumed that this proposal would result in damage to the current system.

9.24 In accordance with the NPPF and the NPPG it is stated that the site should be drained on a separate system. Foul water draining to a public sewer and surface water draining in the most sustainable way. The NPPG outlines that the hierarchy to be investigated by the developer when considering a surface water drainage strategy. Developers are requested to consider the following drainage options in the following order of priority:

- into the ground (Infiltration)
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system and then as a last option;
- to a combined sewer.

9.25 As set out above in this instance within the ownership of the applicant against the southern boundary is an existing field drain for which the surface water from the site will be discharged into. This drain discharges further east into the Wheel Foot Watercourse. Several on site cellular storage tanks are also proposed within the site (mainly in rear and side gardens of the proposed dwellings). The proposed drainage of the site is considered to represent the most sustainable method of site drainage for surface water in accordance with the above hierarchy as set out within the NPPF and NPPG. Concerns have been raised by neighbouring residents about the poor condition of this watercourse, especially at the point of discharge in to Wheelfoot Watercourse. This is acknowledged by the Council's Drainage Engineer and should the development come forward it will require downstream watercourses to be investigated/maintained to ensure the system operates effectively. Officers are satisfied that a condition could adequately cover the drainage of the site and that a technical solution is achievable should permission be granted.

Ecology, nature conservation and trees

9.26 The NPPF incorporates measures to conserve and enhance the natural and local environment, including biodiversity and geological conservation. Paragraph 175 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated or, as a last resort, compensated for;
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.27 The application has been accompanied by a Preliminary Ecological Appraisal. This appraisal has been assessed by Greater Manchester Ecological Unit (GMEU) who has advised that the contents of the report are not disputed. The key points identified by GMEU relate to the impacts upon Wintering Birds associated with Morecambe Bay and Duddon Estuary Special Protection Area/Special Area of Conservation (SPA/SAC), other impacts on the SPA/SAC, protected species and the protection of nesting birds along with the enhancement of the natural Environment. To assess the potential impacts upon the SPA/SAC and in accordance with EU Habitats Regulations a full Habitats Regulations Assessment has been undertaken. This is in line with the advice of Natural England. This addresses and assesses the potential impacts upon Pink Footed Geese which has been a concern raised by

neighbouring residents. GMEU have advised that in their opinion the application site is unsuitable for regular use by the important species most associated with the Bay, in particular Pink-footed geese for the following reasons:

- The site is relatively small (1.3ha). Pink footed geese avoid feeding in fields less than 6ha in size
- It is surrounded on three sides and overlooked by existing residential development (including mobile home parks)
- It is bounded by hedgerows, giving it an enclosed character. The width of an area without hindrances in more than one direction generally needs to exceed 500m in order to be acceptable to medium to large flocks of pink-footed geese. This site is only 100m long/50m wide.

9.28 Pink footed geese are very susceptible to disturbance and prefer very open, large, flat landscapes away from human habitation and disturbance. GMEU are of the opinion that the current application site does not fit these criteria and therefore has low potential to support over wintering birds. In assessing other potential impacts upon the SPA/SAC it is noted that a drain that runs through the site discharges to a watercourse (Wheel foot) that directly discharges to Morecambe Bay. There is therefore a risk during and post construction of negative impacts on the water quality. These impacts can be mitigated through a Construction and Environmental Management Plan condition and by ensuring they are considered in the drainage scheme to be approved. No evidence indicating that the site had importance for any other protective species was found and set out within the Ecology Survey, as such no further surveys are required.

9.29 Initially the submitted Landscaping Plan identified the majority of the boundary hedgerows to be removed. This was considered to be unacceptable as not only would it have ecological implications for nesting and feeding birds it also had a negative visual impact. As such the applicant has revised the scheme showing the hedgerow to the northern and southern boundary to be laid and the western boundary hedging to be removed. Additional tree planting and enhancements are also proposed within the landscaping scheme which will mitigate for the loss of hedgerow. GMEU and the Tree Officer are satisfied with the proposal subject to conditions preventing works to be carried out to trees and hedgerows during the bird breeding season (1st March - 31st August) and implementation of the landscape plan submitted.

Contamination

9.30 The application has been accompanied by a Contaminated Land Desk Study which has been assessed by the Councils Environmental Protection Officer. Whilst no objections have been raised there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information has been requested and subsequently provided during the course of the application. At the time of compiling this report the response from the Environmental Health Officer has yet to be provided and as such the comments will be reported as an update prior to the committee meeting. These are expected to confirm whether the submitted information is sufficient or whether the standard desk study pre-commencement condition is still required.

Planning obligations and viability

9.31 Lancashire County Council Education have been consulted. Based on the 2019 school census resulting projections and taking into account all the approved

applications LCC will not be seeking a contribution towards Primary School places however they are seeking a financial contribution towards 2 secondary school places at St Aidan's C of E secondary school. This is calculated at £47,474.56.

9.32 Policy HP9 of the Emerging Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. Saved Policy H13 requires open space to be delivered for developments of over 20 dwellings. In this instance the submitted plan does not provide any on site provisions for Green Infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that as the site is in close proximity to Preesall Playing fields which has defined projects identified in a Master Plan then it would be preferable in this case for an off-site financial contribution to be provided to the sum of £45,149 (based on 26 x 2 beds and 13 x 3 beds) which would go towards Preesall Playing field Masterplan and improvements to the existing facilities.

9.33 As the scheme is for 100% Affordable Housing and is to be grant funded by DCLG (Department for Communities and Local Government) the applicant has advised that it would not be financially viable to deliver the development and provide the planning obligations requested above towards open space and education or towards any sustainable transport. As such, in accordance with policy SP6 of the emerging local plan a detailed Financial Viability Appraisal has been submitted by the applicant to set out all of the costings involved with the development including land values and profit margins. This viability assessment has been reviewed by Keppie Massie who are the Council's independent financial advisors on development viability. The response from Keppie Massie concludes that any contribution over £10,000 would make the development unviable and would not allow for the scheme of 100% Affordable Housing to be delivered. As such it is accepted that based on the information submitted by the applicant it would not be viable for the development to provide financial contributions towards Education, Green Infrastructure or Sustainable Transport on top of the highway improvements identified. Whilst policy SP6 of the emerging local plan is satisfied the failure to provide any off site contributions to Green Infrastructure or education weighs against the proposal.

9.34 Notwithstanding the viability conclusions the applicant is offering to provide a financial contribution of £20,000 towards highway improvements (reducing the speed limit along Rosslyn Avenue from 30mph to 20mph and also upgrading the PROW to the northern boundary). This was set out in the highways section of this committee report and includes some improvements to the Public Right of Way which runs along the majority of the northern boundary (PROW FP 19). LCC PROW Officer was consulted on the proposal but has not responded although LCC Highways have provided observations that the provision of 39 dwellings would result in more footfall and pressure on the footpath which at present does appear over grown and unmaintained therefore some improvements are needed. LCC Highways consider that additional monies could be justified to fully re surface the entire PROW. However with the £20,000 contribution offered (which includes speed reduction along Rosslyn Avenue) this would still allow improvements to the footpath and make it more desirable and attractive to use. The contribution would allow for modest patch works and the delivery of some LED Street lighting. It is considered that the proposed improvements will enhance the PROW for existing residents and also future occupants of the development. A link from the western internal access road has been demonstrated on the revised site plan to improve pedestrian connectivity onto this PROW. These monies are to be secured by a Section 106 legal agreement.

10.0 CONCLUSION

10.1 Whilst the application site falls within the open countryside and the development would be contrary to Saved Policy SP13 of the Adopted Local Plan, the application would comply with Policy SP2 and HP4 of the Emerging Local Plan and the NPPF as it is considered to be a rural exception site. As such the proposed development would help to meet an identified affordable housing need in the locality with the site being sustainably located immediately adjacent to the settlement boundary in close proximity to an array of services and facilities. The proposed development would provide some economic benefits during construction and in supporting local services. The benefits of the proposal are seen to outweigh the loss of this greenfield site given no significant visual impact concerns are identified.

10.2 The adverse impacts of the development have been considered and assessed including the impacts upon the highway network, character and appearance of the surrounding countryside and landscape, trees and ecology along with flood risk and drainage impacts. Furthermore the development is not making any contributions towards education provision or green infrastructure. It is considered that in this instance the benefits outweigh the harm caused from this development and that many impacts identified can be mitigated through the use of planning conditions where necessary. For the reasons set out within this report the proposal is on balance seen to represent a sustainable form of development that would comply with the saved policies of the Local Plan and the provisions of the National Planning Policy Framework. Subject to conditions and a section 106 agreement the application is recommended for approval.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions and subject to a section 106 legal agreement to secure an appropriate financial contribution towards Highways improvements. Authorise the Head of Planning Services to issue planning permission upon 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 26/07/2018 including the following plans/documents:

- Proposed Site Layout Plan Rev G
- Site Location Plan Rev A
- Materials Distribution Plan Rev B
- Street Scene Elevations Rev B
- Rosslyn Avenue
- Rosslyn Ave / Boundary Treatments Plan REV E & Elevations details Rev A
- 2B3P Detached Dormer Bungalow 77 Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b3pDet Bung 77 REV A
- 2B3P Dormer Bungalow 77 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b3pBung 77 REV A
- 2B4P Aspect House Type 77 sq.m Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b4p Aspect House 77 REV A
- 2B4P House Type 70 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b4p House 70 REV A
- 3B4P Aspect House Type 77 Sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b4p Aspect House REV A
- 3B5P House Type 85 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b5p House 85 REV A

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

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

3. The development shall be carried out using those materials specified on the approved plan(s) ref: Materials Distribution Plan Rev B.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

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

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

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

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

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to protect important ecological habitats, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. No development shall commence above ground until details of the proposed arrangements for future management and maintenance of the proposed streets and other non-highway related combined footways/ cycleway within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that all highways will be delivered to adoptable standards, to ensure that highways safety is not compromised and to ensure that all highways

footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan (ref: Proposed Site Layout Rev G) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

8. Prior to any above ground works a scheme for the construction of the site access and the off-site works of highway improvement [namely reduction in speed limit along Rosslyn Avenue and improvements and upgrades to the PROW FP19), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

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

9. Prior to first occupation of any dwelling hereby approved, a "home owners information pack" (as outlined in the Habitats Regulations Assessment completed for this application) for distribution amongst future occupants of the development hereby approved should be submitted to and approved in writing by the local planning authority, together with details of how this document will be made available for future homeowners. The pack shall include giving details of the nature conservation importance of the Wyre Estuary / Morecambe Bay and highlight alternative recreational opportunities in the vicinity, away from the more sensitive areas. The approved pack shall then be made available for future homeowners in accordance with the approved details.

Reasons: To help reduce any increase in recreational disturbance on the Morecambe Bay SPA/Ramsar Site in the form of appropriate mitigation and to satisfy the Habitat Regulations Assessment.

10. 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 (March 2012).

11. The landscaping works shall be carried out in accordance with the approved details (Drawing Number 5948.01 Rev A) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

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

12. No dwelling hereby approved shall be first occupied until an 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 Saved Policy SP14 of the Wyre Borough Local Plan, Policy CDMP6 of the Emerging Wyre Local Plan, and the National Planning Policy Framework.

13. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999).

14. The approved boundary treatments (Boundary Treatments Plan Rev E & Elevation and section details shown on Rev A) shall be completed before the dwelling(s) are first occupied. 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 and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ironside Farrar Ltd Ref 30324/SRG) and the mitigation measures detailed within Section 7 of the report.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy ENV15 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework.

16. Prior to the commencement of development (other than site preparation works) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards.

The scheme details shall include, as a minimum:

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

g) Details of water quality controls, where applicable, to include measures to ensure the watercourse which leads into Morecambe Bay is protected from contaminants.

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources, important ecological habitats 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 SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

17. Prior to the commencement of development (other than site preparation works) 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 the National Planning Policy Framework.

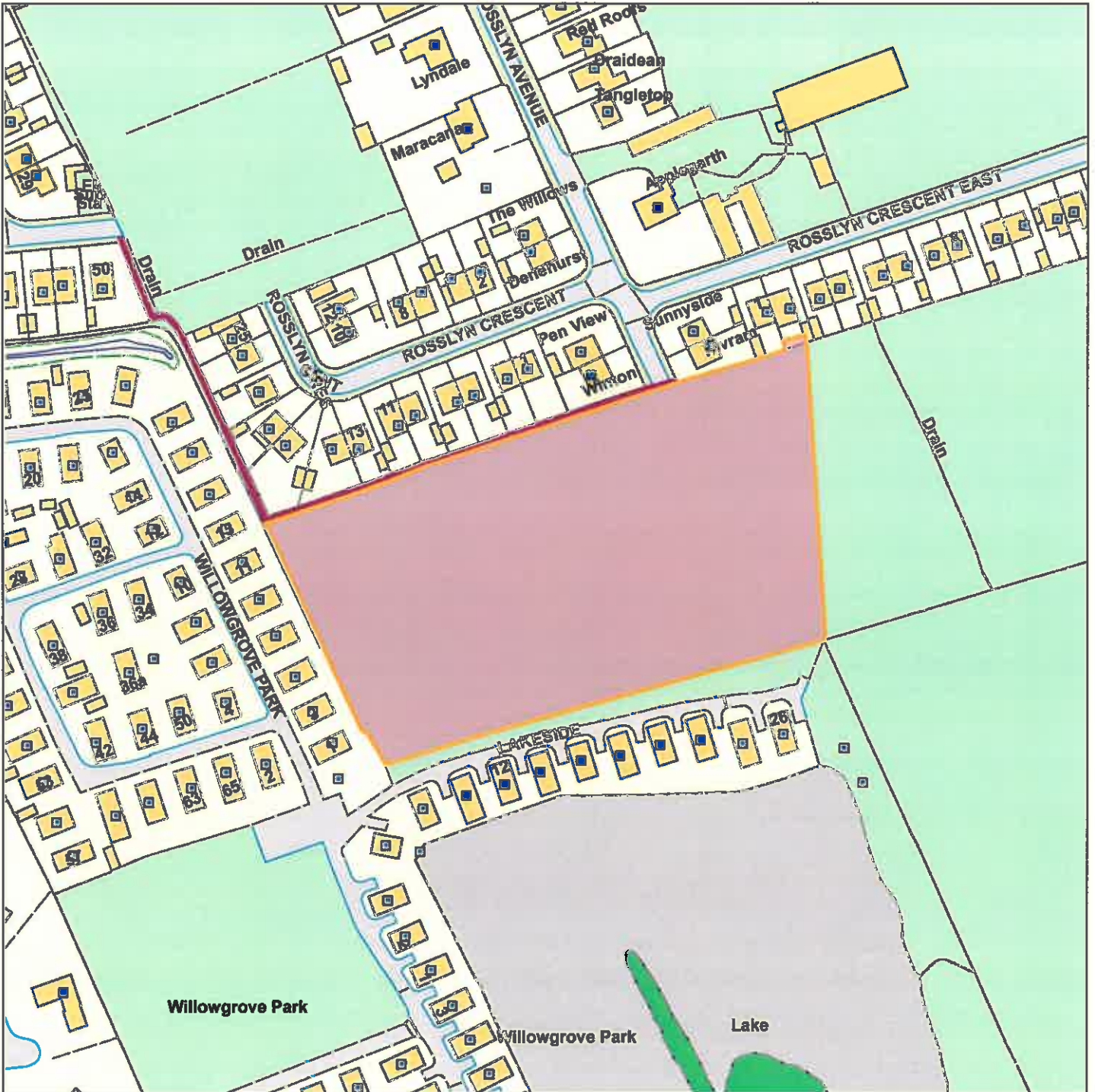
Notes: -

1. 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.
2. The applicant should be aware that the decision is subject to a separate legal agreement.

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Planning Committee

Land South of Rosslyn Avenue Presall



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	23 January 2019
SLA Number	100018720

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Committee Report**Date: 06.02.2019**

Item Number	02
Application Number	18/00614/FULMAJ
Proposal	Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store
Location	Land At The Corner Of Breck Road And Station Road Poulton-Le-Fylde Lancashire
Applicant	Singleton And Smart
Correspondence Address	c/o Keystone Design Associates Ltd Mr Dave Hadwin Development House 261 Church Street Blackpool FY1 3PB
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION AND ASSESMENT (UPDATED FROM ORIGINAL REPORT FOR 5TH SEPTEMBER 2018 COMMITTEE)**

1.1 This application is before the Committee for a second time. It was initially presented to the Committee on the 5th September 2018. At that meeting the Committee resolved to grant planning permission subject to conditions and a Section 106 legal agreement. The full report can be viewed below this update report.

1.2 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development, the S106 Legal Agreement would secure financial contributions towards Education and Affordable Housing. This was based on Lancashire County Council Education Authority seeking a contribution towards 1 primary school place equating to £15,753.31 and Policy HP3 of the Emerging Local Plan, which requires a financial contribution equivalent to 30% (4 units) on site affordable housing equating to £120,400.

1.3 Following the Planning Committee meeting on the 5th September 2018 the applicant has submitted a Financial Viability Statement which seeks to demonstrate the application proposal is not sufficiently financially viable to support the planning contributions being sought. The report submitted concludes that without any S106 contributions the development proposals give a developers profit equivalent to 19.3% of GDV. With the required contributions the developers profit return reduces to 13%. The report goes on to state that this level of profit is below the threshold by which funding could be secured and as such would render the development not economically viable.

1.4 This report has been reviewed and assessed by the Council's independent advisor, financial and property surveyors Keppie Massie (KM). Whilst there was some adjustments made by KM including an increase in the proposed sale values of the apartments, the developers profit return has been confirmed at 20% of GDV without making any contributions. KM advises that this is the benchmark level and illustrates that in the absence of the required planning contributions the development achieves the benchmark profit return at 20%. If the planning obligations being sought are included then the developers profit would fall below this level, indicating that the development is unlikely to be sufficiently financially viable.

1.5 Policy SP6 (Viability) of the Emerging local Plan, which should be given significant weight given that the ELP is now at a very advanced stage, sets out that the Council's overarching objective is to ensure that development is viable. Within the policy it stipulates where a developer seeks to negotiate a reduction in infrastructure requirements that would normally apply to a development, the Council will require the developer to supply a financial appraisal demonstrating the costs to be incurred, the financial return and the profit expected. This is in accordance with the National Planning Policy Framework (NPPF) which requires viability to be a material consideration in decision making. In this instance it is considered that the developer has sufficiently satisfied Policy SP6 of the Emerging Local Plan and demonstrated that the level of contribution being sought (£136,153.31 in total) would not be financially viable in this case.

1.6 There are no other material planning changes since the application was previously presented to Members of the Planning Committee.

1.7 Accordingly, for the reason set out above, the application is recommended for approval subject to the conditions listed below but without any financial contributions being sought.

2.0 RECOMMENDATION

2.1 That the Committee resolve to grant full planning permission subject to conditions.

ORIGINAL REPORT FOR THE 5TH SEPTEMBER 2018 COMMITTEE

1.0 INTRODUCTION

1.1 This application is before Members at the request of Councillor Henderson. A previous application for development on this site has also been presented to Planning Committee for determination. A site visit is proposed to help Members understand how the proposed apartments would sit within their surroundings, including the relationship to neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 This application relates to the site of the former Royal Oak public house and its associated car park located on the corner of Breck Road and Station Road in Poulton-le Fylde. The Royal Oak was a former public house/hotel that was built in the early 1840s at the time of Poulton's first railway station on the opposite side of Station Road and has historically been used for various functions such as inquests and sales of livestock from local farms. The former building was built of three and two

storeys, with the property rendered and painted white with black timber boarding detailing on all elevations and black painted decorative corner quoins.

2.2 The total site area covers approximately 1100 Sqm (0.2acres). Following the demolition of the Royal Oak in June 2018 the site has been cleared and remains free from any buildings and structures, bound to the north and east by herras style security fencing. Along the southern boundary and part of the western boundary the high level red brick wall remains in situ and adjacent to number 62 Breck Road the boundary is currently made up by a high level brick wall and the remains of an adjoining outbuilding. To the south and west of the site are residential properties, to the east are the recently constructed extra care retirement apartments (Crocus Court) and to the North West is the Civic Centre and Wyre Borough Council Offices and Lockwood Surgery. The application site is located within the Poulton-le-Fylde Conservation Area and falls within the Health and Safety Executive (HSE) pipeline consultation zone.

3.0 THE PROPOSAL

3.1 This application seeks consent for the erection of a three storey and part two storey apartment block (comprising of 12 x 2 bed open market residential apartments) including associated access/parking provision and cycle store.

3.2 Following the demolition of the former Royal Oak building (and associated out buildings) this proposal seeks to replicate the original footprint and external envelope of the former public house whilst at the same time increasing the height of specific elements and extending out to the side and rear to accommodate 12 residential apartments. This proposed height increase and footprint extension is identical to that previously approved under planning application 17/00070/FULMAJ (full planning history listed below within Paragraph 4 of this report). The proposed building would measure 22m in width along the frontage on Breck Road with an overall projection to the rear of 27m (total overall footprint 445sqm). The overall height of the building is 11m to the ridge which then steps down to 9m fronting Breck Road. The ridgeline fronting Station Road along the eastern boundary steps down from 11m to 9.7m and the elevations are staggered into the site. The proposal seeks to replicate the former public house by incorporating notable features including positions and style (sash) of windows, decorative stonework corner quoins and entrance column. Materials proposed include white painted rough cast render reconstituted stone to the plinths and decorative banding under a natural grey slate roof. To the rear, the extended element of the development proposes red brick materials with UPVC sash style windows in a vertical alignment. All windows on the western elevation are shown to be obscure glazed.

4.0 RELEVANT PLANNING HISTORY

4.1 17/00070/DIS - Discharge of conditions 3 (desk study), 4 (materials), 6 (landscaping), 9 (window design), 12 (surface waters), 14 (CEMP), 15 (ventilation), and 16 (building record) on planning permission 17/00070/FULMAJ - Split Decision

4.2 17/00070/FULMAJ - Variation of condition 2 on application 14/00928/FULMAJ to allow for the full demolition of existing building and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store - Permitted

- 4.3 14/00928/FULMAJ - Part demolition of the existing building, inclusion of a third storey to the side elevation, two storey side extension and conversion into 12 apartments including car parking spaces and a cycle store - Permitted
- 4.4 10/00097/FULMAJ - Part demolition and rebuild of existing building, two and three storey extensions and conversion into 12 residential flats and associated works - Permitted
- 4.5 10/00098/CON - Conservation Area Consent for the partial demolition of building - Permitted
- 4.6 09/00447/FULMAJ - Erection of 14 residential flats following the demolition of existing public house - Refused (design and noise issues)
- 4.7 09/00548/CON - Conservation area consent for the demolition of building - Refused
- 4.8 97/00059/FUL - Change of use of public house with ancillary owners accommodation to public house, hotel accommodation and owners accommodation and creation of new access on to Station Road - Permitted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP2 - Strategic Location for Development
- SP14 - Standards of Design and Amenity
- ENV9 - Conservation Areas
- ENV13 - Development and Flood Risk
- CIS6 - Infrastructure

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive

and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight and will form the starting point in determining planning applications. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure and developer contributions
- CDMP1 - Environmental Protection
- CDMP2 - Flood risk and Surface water
- CDMP3 - Design
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9- Green Infrastructure in new residential developments

5.2.4 The draft Local Plan is prepared on the basis of the comprehensive housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the evidence supporting the Local Plan shows that the full OAN cannot be delivered. In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined in its initial response (published 30th July 2018) to the Inspector's report that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to-date housing supply position based on the 31 March 2018 figures. The local plan and specifically the examination has reached an advanced stage and significant weight should be attributed to this position which demonstrates a 5 year land supply; therefore the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply. Development plan policies will therefore be the starting point in determining planning applications and the tilted balance in favour of sustainable development (as set out in paragraph 11 of the NPPF) is not triggered.

OTHER MATERIAL CONSIDERATIONS

5.3 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

A new version of the National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Section 2 - Achieving sustainable development
- Section 4 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 HEALTH AND SAFETY EXECUTIVE (HSE)

6.1.1 Do not advise on safety grounds against granting consent

6.2 CADENT GAS

6.2.1 No objections but wish for specific advice notes to be attached if approved

6.3 POULTON-LE-FYLDE HISTORICAL & CIVIC SOCIETY

6.3.1 No Observations received at the time of compiling this report

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections advised that ecological issues were resolved as part of the assessment of application 17/00070/FULMAJ. The bat report that was provided has

not been submitted as part of this application however it previously found no evidence of bats. Since the previous application the building has been demolished. Appropriate soft landscaping will ensure no net loss of ecology.

6.5 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.5.1 LCC Highways do not have any objections regarding the proposed 12 apartments 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. Conditions have been recommended along with footpath widening on Station Road of 2m from the site access to the south eastern corner of the building.

6.6 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.6.1 No objections subject to a financial contribution towards 1 x Primary school place equating to £15,753.31. LCC will not be seeking a contribution for secondary school places.

6.7 LANCASHIRE COUNTY COUNCIL (LOCAL FLOOD AUTHORITY)

6.7.1 No observations received at the time of compiling this report

6.8 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 No objections

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

6.9.1 Verbally advised that the conditions attached under the previous applications should be carried forwards in relation to noise

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

6.10.1 Verbally advised that the conditions attached under the previous applications should be carried forwards in relation to air quality including details of mechanical ventilation

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

6.11.1 No objections subject to a post Phase 1 condition being attached. The additional Worms Eye report sets out that since demolition has been undertaken additional trial holes and investigation should be undertaken.

6.12 WYRE BC SERVICE DIRECTOR PEOPLE AND PLACES (TREE OFFICER)

6.12.1 No objections, agree with the landscaping plans submitted.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 1 letter of objection received and 1 letter which neither supports or objects to the proposal.

The primary reasons for the objection are:

- The proposed scheme should be assessed in line with the planning policies and guidance as an empty site/new build scheme
- Previous approval is irrelevant as it was retaining an old building
- The proposal fails to comply with planning guidance (Contrary to SPG4 and SPG5) in terms of proximity to other properties thus resulting in a detrimental impact on the amenity and privacy of neighbouring properties in particular number 62 Breck Road but also the new flats
- Poor design resulting in poor quality housing
- Poor use of site
- The Royal Oak had no particular historical or architectural merit and should not be replicated

The neutral observations received highlight the following points:

- Traffic light modifications and pedestrian crossing should be provided at the junction of Station Road and Breck Road

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact has been made to advise of the financial obligations required from this proposal

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of Development
- Impact upon the Conservation Area & Heritage Assets
- Scale, Design and Visual Impacts
- Impact on Amenity of Neighbouring Properties
- Flood Risk and Drainage
- Highway Safety and Parking
- Ecology and Trees

Principle of Development

9.2 The principle of 12, 2 bed open market apartments has already been established and planning consent has previously been approved for an identical new build scheme to that proposed in this application. Application reference 14/00928/FULMAJ was approved on the 28/1/2015 and included the retention of the front and side facades of the original former public house. This was then followed by a section 73 application (application to vary 2015 permission) reference 17/00070/FULMAJ which proposed the full demolition and rebuild of the former public house and was approved by the Planning Committee on the 7th June 2017. In June this year the former public house and associated outbuildings were fully demolished and partial remedial works of the land commenced. It is the Local Planning Authority's view that a technical start on site was not made within the necessary timeframe and that some pre-commencement conditions had not been discharged. Essentially this means that previous planning permissions on the site had lapsed which is why a new application is being made. At present the site is characterised and remains as undeveloped brownfield land.

9.3 Since June last year both local and national planning policy has evolved. The weight which can be attributed to the policies contained within the Emerging Wyre Borough Local Plan has increased as it has progressed through examination and those policies with no unresolved issues are to be given significant weight. In addition, the revised NPPF was published in July 2018. Notwithstanding the changes in planning policy the principle of residential development in this location is considered to be acceptable and remains unchanged. Saved Policy SP2 of the adopted Local Plan sets out that within urban areas proposals will be permitted in accordance with the relevant criteria. Relevant to this application criteria H of the Policy sets out that proposals should conserve and enhance local features of natural, historic and environmental quality. Policy SP1 (Development Strategy) of the Emerging Local Plan seeks to deliver new development in line with the settlement hierarchy, with Poulton listed as one of the settlements at the top of the hierarchy. The proposed development would be in accordance with the development strategy set out within SP1 of the Emerging Local plan and saved policy SP2 of the Adopted Local Plan.

9.4 Policy SP2 of the Emerging local Plan sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the National Planning Policy Framework. In this turn the application site occupies a prominent sensitive corner position on the main access route into and through Poulton at the junction of Breck Road and Station Road. Sensitive redevelopment of the site, replicating the historic integrity of the former building, would provide a valuable enhancement to the amenity of the area and an opportunity to positively contribute to the local townscape and character of the Conservation Area. This comes at a time where the site opposite has now been redeveloped to provide extra care housing (Crocus Court) along with new residential housing further south along Station Road. Whilst the Royal Oak has now been demolished and the site remains undeveloped the new build element proposal remains the same as that previously approved under application 17/00070/FULMAJ. Given the site's position close to the town centre where there is high level pedestrian connectivity to bus, rail and cycle links, as well as links to the services and community facilities located within, the development of this site for two bedroom units is considered acceptable in principle and would constitute sustainable development in line with Policy SP2 of the Emerging local Plan and also the provisions set out within the NPPF.

Impact upon the Conservation Area & Heritage Assets

9.5 The former public house was considered to be a significant and important heritage asset that represented a valuable structure in the setting of the Poulton Conservation Area. In assessing the acceptability of its full demolition of the heritage asset under application 17/00070/FULMAJ and the consequent impact upon the Conservation Area consideration was given to the NPPF and the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, and the professional advice of the Conservation Officer was sought. The advice was that the proposal would preserve the appearance of the Conservation Area and sustain the significance of this designated heritage asset as the resultant building will appear as it would otherwise have done in accordance with the previously granted approval 14/00928/FULMAJ. The Conservation Officer considered that the proposal was acceptable.

9.6 For this application the Conservation Officer maintains the view set out above and has advised that the Royal Oak had been empty and fallen in to a state of some disrepair and dilapidation. The building had reached a point where it was beginning to be something of an eyesore that was detracting from the character of the conservation area and bringing the quality of the surrounding area ever downwards. The scheme for a replacement building essentially attempts to in part replicate the original building at the front, with some suitable amendments and with a quite substantially modified, improved, form at the rear. The Conservation Officer agrees with the findings set out within the submitted Heritage Statement and is of the opinion the proposed replacement building will preserve and enhance the appearance of the Poulton-le-Fylde Conservation Area. To ensure the development is positive details of proportions, accurate and appropriate detailing particularly to such elements as fenestration to the elevation that faces Breck Road will be crucial to the success of the scheme and full details should be conditioned accordingly. The proposal is considered to comply with Saved policy ENV9 of the Local Plan, Policy CDMP5 of the Emerging Local Plan and the provisions set out in Section 16 of the NPPF.

Scale, Design and Visual Impacts

9.7 Given that the resultant building would appear as it would otherwise have done had the existing façade been retained, the scale, layout, design and appearance of the proposed development is considered essentially the same as that approved under application 14/00928/FULMAJ and 17/00070/FULMAJ. This replicate design is considered to be an appropriate solution. A number of the original features and openings are to be replicated as part of the rebuild. To the rear where the more modern extended elements project out into the car park the building is set in and subservient to the former original building. The design is seen to be sympathetic to the Conservation Area, the stone heads above the windows harmonise with the vertical emphasis and window arrangement at each floor level. A number of other key design elements include the continuation of the decorative band course above the first and second floor windows on the south western elevation and a new natural slate roof would also assist in enhancing the appearance of the building. All of these features contribute in sustaining and enhancing the proposed development within its setting in the Conservation Area, in keeping with Saved Policies ENV9 and SP14 of the Wyre Borough Local Plan, Policies CDMP3 and CDMP5 of the Emerging Local Plan and the provision of Section 16 of the NPPF.

9.8 Whilst the former building has been demolished and is proposed to be rebuilt on the same footprint there is also an addition of a two-storey extension to the Breck Road elevation, identical to an addition previously approved. This is to be constructed in white render and reconstituted stone plinths and banding to match the main building. This remains an appropriate treatment for this elevation given the adjacent residential property on Breck Road to the southwest is of similar materials and scale. The extension to the rear and along the Station Road frontage is to be three storey, also identical to that previously approved. The extension nearest to the (former) main building would be constructed in similar materials to the main building. This will be set in from Station Road and roughly occupies the space where the previous two storey extension of the Royal Oak was sited. The remainder of the extension is to be set even further into the site by approximately 4m and is to be constructed in brick with a slate mansard roof with sash style windows, brick quoins and stone head cills and banding detailing. Again this is identical to that previously approved. This remains an appropriate treatment as it results in a clear differentiation between the replicated main building and the new additions, thus emphasising the character and impact on the conservation area that the existing building provided.

Brick remains an appropriate material given the amount of brick used in the area and three storeys also remains acceptable given the height of the main building, the corner location and proximity to residential apartments nearby.

9.9 The boundary treatment to the front of the building along Breck Road wrapping round to Station Road would be unchanged from the previous permission and consist of a new 1m high brick wall with 0.5m decorative cast iron detail railing above. This remains to be considered in keeping with the character and appearance of the area. Landscaping and planting would be located between the retaining wall and the building along Station Road which would further enhance the visual appearance and reduce the bulk and massing of the building. This can be secured by condition. Further into the site a 2m high wall would be constructed set back 4m from the highway at the point of the vehicular entrance to screen the proposed bin store and provide improved privacy.

9.10 The application site is located on the edge of the Conservation Area and on a prominent corner location. It is considered that the site in its undeveloped form fails to positively contribute to the character of the conservation area and the streetscene. In light of the professional advice of the Conservation Officer that the proposal will preserve the appearance of the conservation area, and having regard to the characteristics of the surrounding built form, the proposal is seen to comply with Saved Policies SP14 and ENV9 of the Wyre Local Plan and CDMP3 and CDMP5 of the Emerging Local Plan.

Impact on Amenity of Neighbouring Properties

9.11 The observations received from the neighbouring resident have been fully considered. Whilst the preference for a revised scheme have been expressed, the application has to be assessed based on the plans submitted. There has not been any material changes to the relationship between the site and existing neighbouring properties since the previous approval. Nor has there been any change in detailed policy guidance in relation to distances between developments and neighbouring properties. Whilst the impacts upon neighbouring amenity have been reassessed as part of this submission the assessment and conclusion remains unchanged. The two main dwellings which are seen to be predominantly affected by the development are 62 Breck Road and 1 Station Road. Following the demolition of a two storey red brick building which is currently built up on the eastern boundary. This is considered to result in more natural light being available in the rear garden of this property and will help to mitigate the overbearing impacts of the proposed three storey rear extension which would be set in approximately 4m from the neighbouring boundary. It is acknowledged that the proposal would be in close proximity to the rear garden of number 62 and the development would result in an increase of bulk and massing close to the shared boundary in comparison to the previous building, however the impact is not considered to be so adverse that it would result in undue harm on the residential amenity of the occupants of this property. All of the proposed windows on the side elevation facing number 62 Breck Road would be obscure glazed so it is not anticipated that there would be any loss of privacy or overlooking as a result of the development. These windows can be conditioned to be obscure glazed and non-opening at all times. With the exception of one ground floor and one first floor window, the windows which are to be obscure glazed serve either kitchens / bathrooms or act as secondary windows to habitable rooms primarily served by windows on the rear facing elevations.

9.12 There is a separation distance between the proposed rear elevation and that of 1 Station Road of approximately 20m, which is generally in accordance with SPG4

which specifies 21m, so it is not considered that there would be any unacceptable impacts upon amenity in terms of overbearing, overlooking or loss of privacy. It is considered that residential flats in this location would be a more acceptable end use compared to the former use as a public house in terms of noise and disturbance. The location of the car park, cycle store and bin storage is unchanged and remains to be considered acceptable. The cycle shelter would be positioned at a splayed angle against the rear wall of 62 Breck Road however it would only project slightly above the boundary wall and is not seen to result in any detrimental impacts. Concerns were raised by neighbouring residents on the previous applications in relation to the proximity of the proposed bin store in the south eastern corner of the site to existing properties and the impacts arising from odour. The proposed bin store is to be partially enclosed and would also be adjacent to the existing high level boundary wall which would assist in preventing impacts arising from odours. The Environmental Health officer has raised no objections or concerns relating to odour or noise, subject to conditions.

Flood Risk and Drainage

9.13 The application site is located within Flood Zone 1 which is not considered to be at high risk of flooding. The application has been submitted with full detailed drainage plans which seeks to connect foul and surface water to the existing combined sewer within Station Road. The Councils Drainage Engineer has raised no objections to the proposed drainage scheme and has agreed the details under discharge of conditions application 17/00070/DIS. A condition requiring the drainage to be undertaken in accordance with the approved plans is to be attached.

Highway Safety and Parking

9.14 Lancashire County Highways have raised no objection to the proposed development and have recommended that necessary conditions should be attached to this application if members are minded to approve. One requirement requested by the Highways Officer is for an updated and improved (widened) footpath to be provided from the site access to the south east corner of the building to create a 2m wide footpath. This could not physically be achieved given the proposed footprint of the building and has not been requested on any of the previous applications. In this instance whilst an improved pedestrian footpath would be desirable it is not seen to be reasonable, necessary or deliverable. Improvements to the pedestrian crossing at this junction were secured from a nearby development. The proposed 14 bay parking spaces is considered sufficient to serve the proposed 12 residential units. The site lies in close proximity to Poulton Town Centre which is served by bus and train and has a number of useable car parking facilities. There is also a secure cycle provision proposed as part of the application.

Ecology and Trees

9.15 Ecological issues were resolved and satisfied as part of application 17/00070/FULMAJ. GMEU have confirmed that they are satisfied that there is no material change in circumstances. The bat report submitted with the previous application along with an additional emergence survey found no evidence of bats. Since the previous application the building has been demolished with no opportunity for roosting or nesting and as such it is considered there is no impacts upon bats or nesting birds. There are no trees located within the site which would be affected by the proposal. The submitted site plan demonstrates areas of landscaping around the site boundaries which would provide a visual buffer from the development and assist in reducing the impacts upon the street scene. This would also ensure no net loss of

ecology. The landscaping details are considered acceptable and should be conditioned to be carried out in accordance with the plans and details provided.

Other Matters

Air Quality

9.16 The application site is located close to, but outside, an area of Air Quality Management (AQM) and is located close to the highway on a busy junction with Breck Road and Station Road as well as being opposite the recently constructed extra care retirement apartments which does create additional vehicle movements. Discussions have taken place with the Environmental Health Officer in relation to the potential air quality impacts. Ideally the application would have benefitted from the submission of an air quality assessment to enable the impacts to be fully assessed, however given the previous approval, requiring this assessment was not considered to be necessary or reasonable. In any event, any impacts arising from air quality would be negligible and outweighed by the planning gains of this development.

Contamination

9.17 The application has been accompanied by a Phase 1 desk study which has also been agreed and partially discharged under application 17/00070/DIS. Since the building has been demolished the applicants Contamination Consultants have set out that additional trial bore holes are considered necessary to assess for the potential of asbestos and further contaminants. As such the Environmental Health Officer has requested that an appropriately worded condition is attached which requires details and validation of this investigation to be submitted and agreed prior to any works commencing.

Planning Obligations/Contributions

9.18 Policy HP3 of the Emerging Local Plan sets out that developments of 11 dwellings or more on brownfield sites in Poulton should provide 30% on site affordable housing provision. Where onsite provision is not appropriate a financial contribution of broadly equivalent value will be required to support the delivery of affordable housing elsewhere in the Borough. In this instance the Councils Community Housing Development Officer has advised that apartments in this location would raise no appetite from Registered Providers and as such an offsite contribution should be sought which would be the equivalent of 4 units (30%). In accordance with the Affordable Housing Viability Study (AHVS), based on the market value for Poulton this would equate to £120,400 which is to be secured via a section 106 agreement.

9.19 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for secondary. However a contribution seeking 1 primary school place is required equating to £15,753.31. Prior to the Planning Committee meeting a reassessment will be requested from LCC and the results will be provided by way of a Committee update.

9.20 Policy HP10 of the Emerging Local Plan requires residential developments resulting in a net gain of 11 dwellings or more to make appropriate provision of public open space. This threshold is lower than the saved local plan policy of 20 dwellings,

but given it is based on more up-to-date evidence of need, and the Inspector did not raise an issue with this policy in his pre-hearing advice note, the emerging policy is to be given more weight. In this location and for this scale and type of development an off-site contribution would be considered more appropriate than on-site provision. However, the Council has yet to produce guidance on calculating a financial contribution of broadly equivalent value to the on-site requirement. Therefore, no request for an off-site contribution is being made for this development.

Gas Pipe Line

9.21 Cadent Gas has a major accident hazard pipeline in the vicinity of the site, however neither they nor the HSE object to the development. An informative should be added as requested by Cadent Gas.

10.0 CONCLUSION

10.1 The rebuild of the former Royal Oak Public House in the manner proposed is considered to sustain the character and significance of Poulton Conservation Area. The proposal seeks to replicate the key features of the former building whilst at the same time extending the footprint in a subservient and sensitive way which would not result in any unacceptable detrimental impacts upon neighbouring amenity. Whilst a scheme of more modern and contemporary design could be better reflected in this location which would still be sensitive to the historic environment and the character of the area the scheme as submitted is considered to be acceptable and would comply with local and national planning policy and is recommended for approval.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That the Committee resolve to grant planning permission subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards Local Education and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28/06/2018 including the following plans:

- Proposed Elevations (Revised) Drawing Number: A009/040/P/02 Revision T
- Floor Layout (Revised) Drawing Number: A009/040/P/03 Revision R
- Site Layout/Street Scene Drawing Number: A009/040/P/01 Revision P
- Existing Site Layout Drawing Number: A009/040/S/01 Revision C
- Existing Floor Plans Drawing Number: A009/040/S/02 Revision B
- Existing Floor Layout Drawing Number: A009/040/S/02 Revision A
- Site Location Plan Scale 1:1250
- Hard and Soft Landscaping Drawing Number A009/040/100
- Drainage Details Drawing Number A009/040/061
- Drainage Layout Drawing Number A009/040/060

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 shall be commenced until:

(a) A methodology for site investigation has been submitted to and approved in writing by the Local Planning Authority.

(b) A site investigation has been undertaken strictly in accordance with the agreed methodology and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation strategy.

(c) Remediation of the site has been undertaken strictly in accordance with the remediation strategy and a validation report has been submitted for approval in writing, confirming full implementation of the agreed remediation scheme.

Any changes to the agreed elements require the prior written consent of the Local Planning Authority.

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

4. No development shall take place until samples of all the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. No first occupation or use of the development hereby approved shall occur until all of the windows on the south western elevation have been fitted with obscure glazing equivalent to Grade Level 5 (most obscure) and these shall be maintained and retained thereafter. All windows in the south western elevation except the bedroom window at first floor (as shown on approved plan number A009/040/P/02

Rev T) shall be installed as non-opening prior to first occupation or use of that room and maintained and retained thereafter as such. Any subsequent repaired or replacement windows shall be installed as non-opening and with glazing to the same level of obscurity.

Reason: To protect the amenity of the occupants of the nearby residential properties.

6. The landscaping works shall be carried out in accordance with the approved details (Drawing Number Hard and Soft Landscaping Ref A009/040/100) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

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

7. Prior to first occupation of the development hereby approved all windows on the Breck Road and Station Road elevations shall be installed as recommended in the conclusions and recommendations of the Noise Assessment submitted as part of the application received on 28/06/2018. Any alternatives to the recommendations proposed shall be agreed in writing with the Local Planning Authority.

Reason: To protect the residential amenity of future occupiers of the flats hereby approved.

8. Prior to commencement of built development on site, details of the form and design of the windows (including sectional details of the stiles, rails and glazing bars) shall be submitted to and agreed in writing by the Local Planning Authority. This condition relates to the windows in the Breck Road and Station Road elevations of the proposed development, which shall be of a sliding sash design, constructed of timber and supported on cords and weights (not spring balances), and shall be set in a reveal of 4inches (100mm). The development shall be carried out in accordance with the approved details and retained and maintained thereafter. After installation, only the agreed type of window shall be subsequently refitted as a repair or replacement.

Reason: To preserve or enhance the appearance of the building or the area in which it is situated in accordance with Policy SP14 and ENV9 of the adopted Wyre Borough Local Plan (July 1999)

9. Prior to the first occupation of the development hereby approved, the vehicular access and parking / manoeuvring areas shall be laid out and surfaced or paved in accordance with the approved layout scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved parking spaces/ manoeuvring areas shall thereafter not be used other than for the parking of private motor vehicles.

Reason: To prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users, and to allow for the effective use of the parking areas and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

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

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

11. No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme (as per Drainage Layout Plans Drawing Number A009/040/060 & Drainage Layout Details Drawing Number A009/040/061). Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

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

12. Prior to commencement of the development, a scheme for the design and future maintenance of a mechanical ventilation system to all habitable rooms to the ground and first floors fronting onto Station Road, to give the occupants of these rooms the option of mechanical ventilation which will allow for air to be drawn from a suitable location within the development boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the agreed details and thereafter maintained and retained.

Reason: To safeguard the amenity of the future occupants of the development and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

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

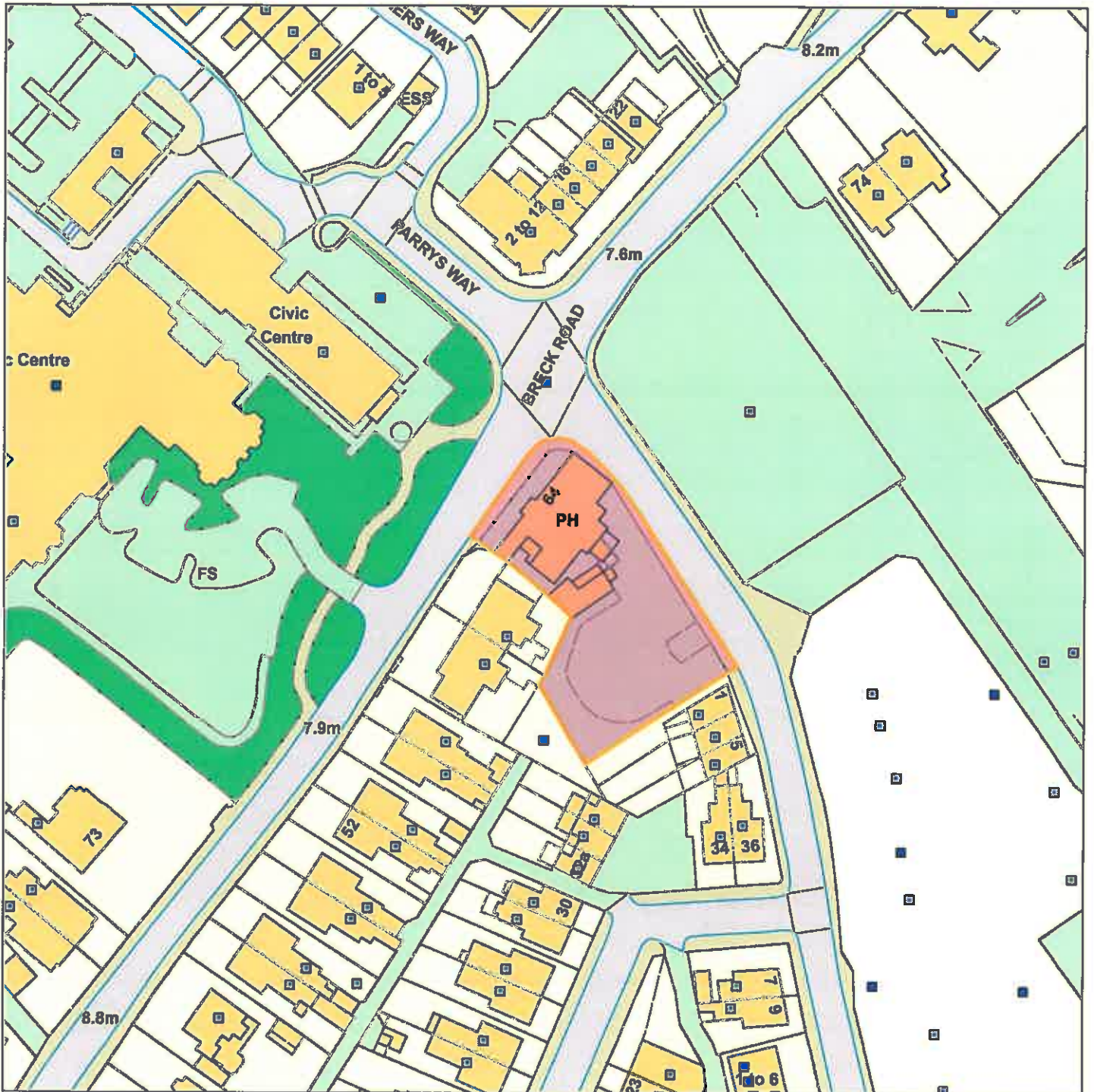
Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.

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

Land at corner of Breck Road and Station Road Poulton



Scale : 1:1036

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	23 January 2019
SLA Number	100018720

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Committee Report**Date: 06.02.2019**

Item Number	03
Application Number	17/01087/OUT
Proposal	Outline planning application for 2 dwellings with access off Highcross Road with all other matters reserved
Location	Rear Of Highford Court 158 Highcross Road Poulton-Le-Fylde Lancashire FY6 8DA
Applicant	Mr Tom Mercer
Correspondence Address	c/o Miss Lindsey Coane 9 Bridge Street Higher Walton Preston Lancashire PR5 4DR
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Berry. A site visit is recommended to enable Members to understand the proposal in its context beyond what may be understood from the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located to the west of Highcross Road and lies to the rear of the flats at No.158 Highcross Road. The site is largely covered by trees and shrubs and is situated between The Catholic Church of English Martyrs which is to the north and residential properties situated to the south. The application site, following amendments to the site boundary, is within the settlement boundary to Poulton Le Fylde. The open land to the west is designated as Green Belt on the proposals map to the adopted Local Plan.

3.0 THE PROPOSAL

3.1 The application seeks outline approval including access for two dwellings. All other matters would be reserved for future approval. The site would be accessed via the existing vehicular access which is currently utilised by the flats at No.158 Highcross Road. The site projects in a linear arrangement to the rear of these flats and would require removal of existing shrubs and trees within the site boundary. An indicative layout plan shows two semi-detached dwellings (two storeys) placed centrally within the site with parking and turning to the front

4.0 RELEVANT PLANNING HISTORY

4.1 None.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

- Policy SP2 - Strategic Location for Development
- Policy SP14 - Standards of design and amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water run-off

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight and will form the starting point in determining planning applications. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

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

5.2.4 The draft Local Plan is prepared on the basis of the comprehensive housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the evidence supporting the Local Plan shows that the full OAN cannot be delivered. In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined in its initial response (published 30th July 2018) to the Inspector's report that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to-date housing supply position based on the 31 March 2018 figures. The local plan and specifically the examination has reached an advanced stage and significant weight should be attributed to this position which demonstrates a 5 year land supply; therefore the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply.

5.3 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless :

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.3.2 The NPPF (paragraph 73) sets out that where the adopted strategic policies i.e. the Local plan is more than five years old, the local planning authority should calculate their five year housing supply against their local housing need. The NPPF is supported by a local housing need methodology note that sets out how local planning authorities should calculate their local need. For Wyre, the current Local Plan was adopted in 1999 and in accordance with the NPPF, is considered out of date in relation to calculation for housing land supply. The standard local housing methodology for Wyre indicates a minimum annual local housing need of 281 dwellings. The transitional arrangements in the local housing need methodology note also mean that only a 5% buffer is applied, this is due to over delivery against the household projections over the last three years. In calculating a five year housing supply, the local housing need of 281 dwellings set against the NPPF new definition of 'deliverable' and providing a 5% buffer, the Councils current five year housing supply exceeds 11 years. The position is set out in the Councils published position statement, dated 20th September 2018. This reflects the most up-to date housing supply position based on the 31 March 2018 figures.

5.3.3 Under the housing requirement in the emerging local plan that has reached an advanced stage and under the NPPF standard local housing methodology that currently applies in the absence of an adopted Local plan that is no more than five years old, the Council has a five year housing land supply. Therefore it is the Council's view that the tilted balance in favour of sustainable development (as set out in paragraph 11 of the revised NPPF) is not triggered for the purpose of deciding this application.

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

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

5.4 OTHER RELEVANT GUIDANCE

Supplementary Planning Document 4 - Housing Layouts
National Planning Practice Guidance (NPPG)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 Original response (25/07/2018) objects to the scheme however following amendments, a revised response (16/01/2019) raises no objections subject to further consideration at reserved matters stage of safety measures, provision of a turning head and adequate parking provision. Further response (24/01/19) advises on pedestrian refuge and access width requirements.

6.2 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.2.1 No objections subject to conditions and biodiversity enhancements.

6.3 UNTIED UTILITIES

6.3.1 No objections subject to conditions.

6.4 WYRE COUNCIL - HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITIY SAFETY (AMENITY)

6.4.1 No comments provided.

6.5 WYRE COUNCIL - HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITIY SAFETY (CONTAMINATION)

6.5.1 No objections subject to conditions.

6.6 WYRE COUNCIL - SERVICE DIRECTOR PEOPLE & PLACES (TREE OFFICER)

6.6.1 No objections subject to conditions.

7.0 REPRESENTATIONS

7.1 One letter submitted on behalf of the occupiers of flats at Highford Court and four additional objections have been received from members of the public. The points of objection are summarised as follows:

- The existing/proposed driveway would be too narrow and unfeasible for larger vehicles including emergency services;
- The proposed access/turning arrangements and narrow pedestrian access will restrict access, including wheelchair access, and be dangerous/difficult for existing residents;
- Some windows to the flats open onto the driveway and this presents a safety risk passers-by;
- The proposals could devalue nearby properties;
- The application is erroneous insofar as there is no road to the site rather a private access driveway serving the existing flats, and the ownership certificate is also disputed with reference to freehold ownership of land included for access to the site;
- A previous application from 1978 was refused and asserted that the development of this site would constitute undesirable back land development - a view which remains relevant;
- The driveway surface is cracked/worn with an unknown foundation and is unsuitable for construction vehicles and there would be risk to the block of flats and boundary treatments;
- Additional use of the drive would pose risk to water pipes running along the existing driveway and new utilities could destabilise the existing building;
- The increased use of the site access would present dangers to pedestrians and other road users, especially given proximity to a school and shops;
- The application would result in disturbance to neighbouring properties through increased use of the driveway/site access.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 The applicant's agent has submitted several amendments to the scheme to address officer concerns. Some negotiation on various aspects of the scheme has taken place between the case officer and agent, resulting in alterations to the site boundary, a reduction in number of units and updated access/turning arrangements.

9.0 ISSUES

9.1 The main planning issues are:

- Principle of development and Policy compliance
- Visual impact / design / impact on the streetscene
- Impact on residential amenity
- Impact on highway / parking
- Flood risk/drainage
- Ecology / trees
- Contamination

Principle of development and Policy compliance

9.2 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan. The Local Planning Authority is able to demonstrate a 5 year land supply, and therefore the relevant policies for determining planning applications (in both the adopted Local Plan and the draft Local Plan) are not considered to be out of date with respect to restricting land supply. Furthermore they are considered to be consistent with the NPPF. Development Plan policies will therefore be the starting point in determining planning applications, and therefore the proposed development does not require consideration against Paragraph 11 of the NPPF.

9.3 The site is within the established settlement boundary of Poulton where residential development is acceptable in principle. It benefits from a range of local services with good access to public transport and walking and cycling routes. The site is therefore socially sustainable. In terms of environmental matters, the site comprises a presently undeveloped area with some trees and shrubs. In the context of the surrounding area, development of this site is considered to represent a relatively minor scale loss of greenfield land overall and given the close proximity to existing built development, it is deemed not to result in any significant harmful environmental impacts. There would be a small economic benefit to the proposed development, principally within the local building trade.

9.4 It is noted that the application originally proposed development within the area to the west of the site designated as Green Belt, but this has since been amended to ensure no development would take place on Green Belt land. In conclusion, the proposal is considered to represent a sustainable form of development and the proposal would accord with the relevant policies in the adopted and emerging Local Plans in terms of its principle. Other material impacts will be discussed in the report below.

Visual impact / design / impact on the streetscene

9.5 Given the back land position of the site, the proposed dwellings would not feature in views within the street scene along Highcross Road. Scale, layout, appearance and landscaping relating to the proposed dwellings form the reserved matters to be assessed under a subsequent application, however the indicative plan shows the proposed dwellings would be set more than 30m to the west of the block of flats (No.158). The dwellings in the vicinity differ in their appearance and whilst most properties front towards a highway, it is deemed that the rear position would not appear out of keeping with the general character of development in the wider area, and there is sufficient space to accommodate two dwellings with adequate space of parking, turning and suitably sized gardens.

9.6 There is an established hedgerow to the southern boundary although full details of proposed new boundary treatments and landscaping features are to be secured at reserved matters stage which would further reduce the visual impact of the development in views from within the surrounding area. Overall, the application is considered acceptable in design terms. The application would accord with Policy SP14 of the adopted Wyre Local Plan and Policy CDMP3 of the emerging Wyre Local Plan and the design guidance set out in the NPPF.

Impact on residential amenity

9.7 Four letters and one combined letter have been received in objection to the proposals. The most likely affected neighbours would be the occupiers of Highfield Court flats to the east of the site and No.160 Highcross Road to the south.

9.8 In terms of the impact on the occupiers of Highfield Court, the indicative site plan shows the proposed dwellings would be more than 30m to the west of this block of flats. Whilst this layout is indicative and full layout details would be agreed via a reserved matters application, it is considered that the proposed development could be accommodated within the site without any significant overbearing, overshadowing or overlooking of the flats.

9.9 In terms of impact on No.160, this neighbouring bungalow is set to the south east of the application site. The indicative plans shows that the proposed dwellings would be adjacent to the rear curtilage of No.160. This neighbouring property benefits from a generously sized rear garden and the indicative plan shows the proposed dwellings would be set approximate 5m away from the shared boundary. It is deemed that this arrangement would not give rise to any significant overshadowing or overbearing impacts to the rear garden of No.160, or the dwellinghouse itself. In terms of overlooking, it is noted that there is an established hedgerow along the shared boundary offering some screening. The indicative layout show the southernmost dwelling would be approximately 20m from the nearest part (rear wall) to No.160. Whilst the Council's Design Guide indicates a distance of 21m is required between facing front/rear elevations, it is considered that this could potentially be achieved through a suitably designed reserved matters application. In terms of any overlooking, any first floor windows in the east elevation of the proposed dwellings would not look directly towards No.160 given the staggered/offset relationship. Although some outlook towards the rear of No.160 could be gained, it is considered that the separation distance as shown on the indicative plan and oblique angle would avoid any significantly detrimental overshadowing impacts, and further consideration and mitigation could be given to the layout and use of obscure glazing at reserved matters stage to protect the amenity of the occupiers of No.160.

9.10 It is noted that concerns were raised about the proposed access via the existing driveway which also serves as a means of access to the flats. Given that only two dwellings are proposed, it is considered that any additional noise from vehicle movements is not likely to represent a significant increase, particularly when considered this driveway operates as the existing vehicular access to the garages to the rear of the flats.

9.11 In terms of other comments raised, the applicant advises that the tenants of the flats have right of access over the existing driveway and other areas. The ownership certificate submitted with the application indicates the applicant owns the land within the application site boundary and any dispute regarding ownership of this land would not represent reason to refuse the application. The matter of devaluation of nearby properties would not represent a material planning consideration. Objections relating to access/highway safety will be considered in the highway safety section of this report below.

9.12 Overall, it is deemed that two dwellings of a two storey nature could be accommodated on the site without significantly impacting on the amenity of neighbouring residents. No unacceptable impacts on residential amenity have been identified and the proposals would accord with Policy SP14 of the adopted Wyre Local Plan and Policy CDMP3 of the emerging Wyre Local Plan.

Impact on highway / parking

9.13 The existing access leading from the west side of Highcross Road, which currently serves the flats at No.158, would be utilised for access to the proposed development. Given two additional dwellings are proposed, it is deemed that this would not result in a significant intensification of the use of this access onto Highcross Road. LCC Highways have been consulted and have no objections to the proposal, although have provided comments on other aspects relevant to this scheme. These include reference to appropriate parking and turning being provided within the site and a pedestrian refuge being installed alongside the flats to allow for safe passage for pedestrians and residents, particularly given there is a door to one of the flats along the driveway. Given the site constraints it is necessary to consider these matters at this stage rather than defer to a future reserved matters application.

9.14 In regard of the pedestrian refuge, following discussions with the applicant, an amended access/layout plan has been submitted which includes a proposed pedestrian refuge along the south facing elevation of the flat building. It is noted that the existing arrangement does not include any pedestrian refuge to the driveway and could result in some pedestrian/vehicle conflict, particularly outside the door to flat 4. Whilst the driveway currently serves the rear parking and garages to the flats, although the development would result in additional vehicle movements, it is considered that creation of a pedestrian refuge, such as a bollard, would improve pedestrian safety along the driveway. Whilst the vehicular access would narrow adjacent to the pedestrian refuge, it is considered that this would still allow access for larger vehicles and emergency services as confirmed by LCC Highways.

9.15 The submitted indicative access/layout plans include an area for turning to be set aside adjacent to the existing garages and this would also maintain access to the existing garages. This area would not be for parking and the plans demonstrate that there would be sufficient space for parking for each dwelling within the application site to the west of the turning area. Full details of layout would be secured at reserved matters stage, although conditions would be attached to ensure appropriate access, driveway and turning arrangements are secured under this current application.

9.16 In reference to other concerns, it is noted that any existing windows in the south elevation of the flats would open to the existing driveway and the proposals would not affect or worsen this current arrangement. LCC Highways have no objections to the proposed development and overall, the application is considered to be acceptable in relation to highway safety.

Flood risk/drainage

9.17 The application site lies within Flood Zone 1 and is at very low risk of surface water flooding and river/sea flooding according to the Environment Agency's Flood Maps. It is therefore unnecessary to apply the sequential and exceptions test. United Utilities has confirmed that there are no objections subject to foul and surface water draining on separate systems. Given the nature of the development it is considered unlikely to result in any unacceptable flooding issues. A condition would be attached to ensure acceptable drainage details are agreed prior to development and overall, it is considered that the application would have an acceptable impact on flooding and drainage.

Ecology / trees

9.18 The site has been unmanaged for some time and is presently overgrown with brambles and some young trees. It is not designated for its nature conservation value and is not close to any designated sites. Greater Manchester Ecology Unit (GMEU) has viewed the application details and comment that the site has low potential to support protected species although may offer some foraging opportunity for bats. GMEU has confirmed that the site's habitats are not of substantive nature conservation value, but will support local wildlife, including small mammals and nesting birds. On this basis, GMEU has no objections, although recommended conditions if permission is granted. These conditions relate to vegetation clearance, retention of the southern boundary hedgerow and biodiversity enhancements. Overall, subject to suitably worded conditions, the application is deemed to have an acceptable impact on ecology.

9.19 Although there are trees and shrubs within the site that would be removed, it is considered that their removal would not have any significant visual/amenity impact. The Council's Tree Officer has reviewed the scheme and has confirmed their agreement with the submitted tree survey. A condition is requested that the construction is undertaken in accordance with the submitted details/tree protection plan and on this basis, the development is considered to have an acceptable impact on trees. Full details of landscaping would be assessed at reserved matters stage.

Contamination

9.20 Conditions would be attached to any permission granted for a desktop study to be submitted for approval by the local planning authority in relation to potential land contamination including remediation measures if necessary as well as gas protection measures. On this basis it is deemed that the proposals would have an acceptable impact in relation to land contamination.

10.0 CONCLUSION

10.1 The principle of development is acceptable and no unacceptable impacts have been identified. The development would accord with the relevant national and local planning policies. Subject to conditions, it is therefore recommended that the application is permitted.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant outline planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. In the case of any reserved matter, namely access, appearance, landscaping, layout and scale of the dwellings, an application for approval must be

made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 01/06/2018, including the following plans:

- Location Plan (revised) Drg No.02 (Scale 1:500)
- Site access and turning details as shown on (revised) Proposed Plan Drg No.03 (Scale 1:200)

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

3. Prior to first occupation of the dwellings hereby approved, details of the pedestrian refuge adjacent to the access door on the west elevation of the Highfield Court building shall be submitted to and approved in writing by the local planning authority and the refuge shall be provided in accordance with the approved details.

Reason: In the interests of highway safety and to provide for safe passage of pedestrians along the driveway.

4. Prior to the submission of the first reserved matters application relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

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

Reason: The development is for a sensitive end use 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. No development shall commence until suitable gas protection measures for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme

shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree/ hedge/ shrub boundary planting
- Bat bricks and/or tubes within the new development
- Bird Boxes
- Bat Boxes

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

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

8. 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.

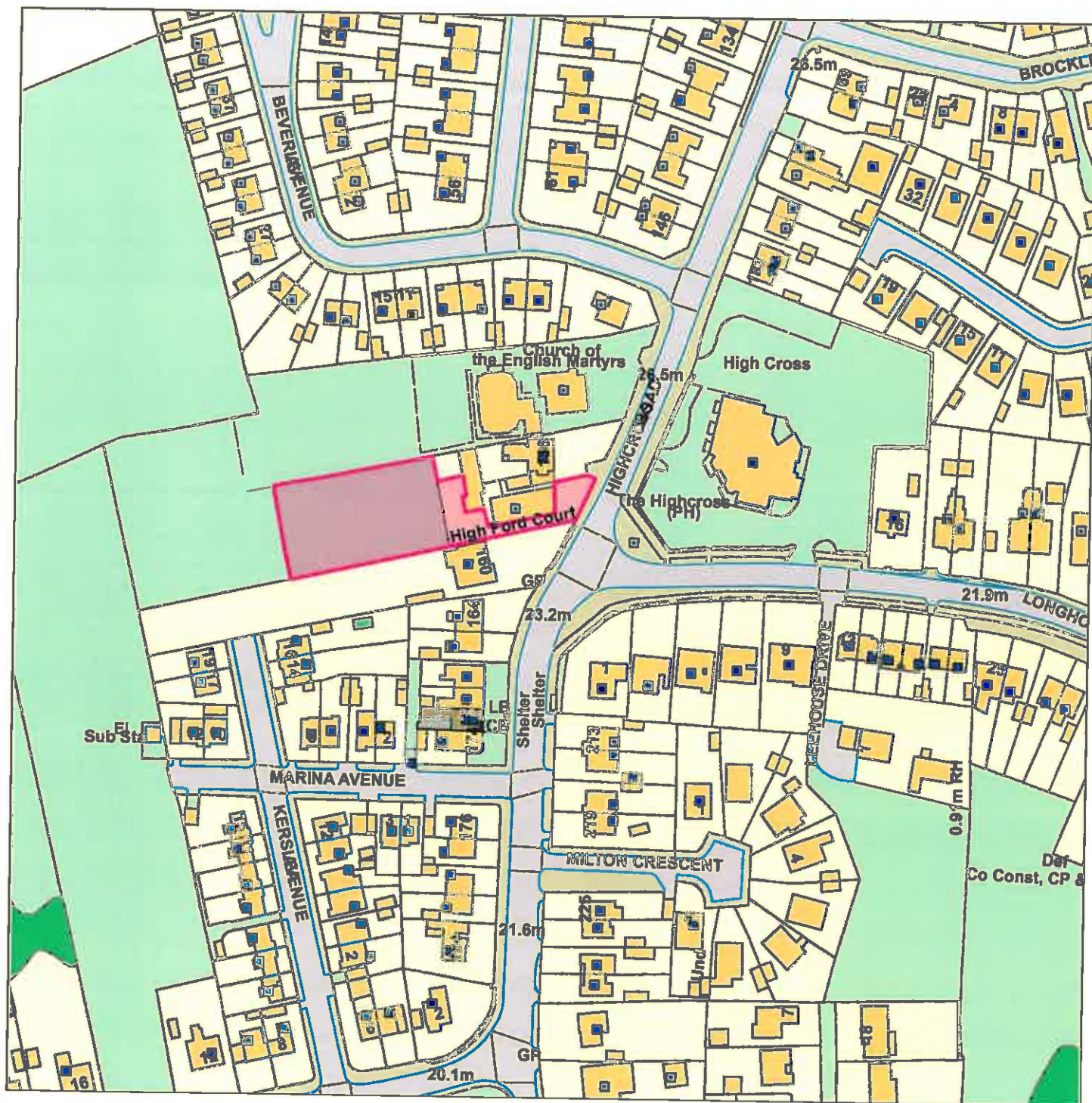
Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework (March 2012).

9. The development hereby approved shall be undertaken in accordance with the recommendations made in Part 4 of the Arboricultural Impact Assessment with Tree Protection Measures by Godwins Arboricultural Limited (Issued 2nd May 2018), received by the local planning authority on 1st June 2018, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure appropriate tree protection measures in accordance with Policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999).

10. The development hereby approved shall not be first occupied until an electric vehicle recharging point has been provided for the dwelling to which it relates and the 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 Saved Policy SP14 of the Wyre Borough Local Plan, Policy CDMP6 of the Emerging Wyre Local Plan, and the National Planning Policy Framework.



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	23 January 2019
SLA Number	100018720

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Committee Report**Date: 06.02.19**

Item Number	04
Application Number	18/01080/FUL
Proposal	Conversion of part of first floor into a two bedroom apartment with separate access using staircase to side and change of use of land to form parking area for proposed apartment
Location	246 Fleetwood Road North Thornton Cleveleys Lancashire FY5 4LD
Applicant	Mr Antony Bramhall
Correspondence Address	c/o ADBS Ltd Mr J Dowling 14 Tarnway Avenue Thornton-Cleveleys Lancashire FY5 5BA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Robert Clewes****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Ballard. A site visit is proposed for Committee to understand the layout of the building, its setting and relationship to neighbours.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application property is a converted dwelling house now used as a children's nursery on the east side of Fleetwood Road North situated to the north of the junction with Chestnut Gardens. Off street parking is provided within the site to the front and access is gained from Fleetwood Road North with egress onto Chestnut Gardens. There are neighbouring residential properties to the north fronting Fleetwood Road North and to the east and south on Chestnut Gardens. To the northeast is the Pool Foot Farm complex.

3.0 THE PROPOSAL

3.1 The application proposes the change of use of part of the first floor of the property to a self-contained two bedroom flat which is to be used in connection with the existing nursery. The external works proposed are for the addition of an open external staircase on the north facing side elevation.

3.2 As part of the scheme there is also a change of use of a piece of land which has been acquired off the Pool Foot Farm site. This small piece of land to the north of

the application site and located directly behind No.256 Fleetwood Road North is to be used for additional parking for the occupiers of the proposed flat.

4.0 RELEVANT PLANNING HISTORY

- 18/00209/FUL - Change of use from C3 to D1 including installation of children's toilet area and alterations to parking and circulation. Permitted.
- 18/00099/LAWP - Certificate of lawful development for proposed change of use of ground floor into children's nursery. Withdrawn.
- 08/00717/FUL - Detached dormer bungalow. Permitted.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

SP14 - Standards of Design and Amenity
ENV7 - Trees on Development Sites

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material

considerations which should also be taken into account for the purposes of decision taking.

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

- SP2 - Sustainable Development
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

5.3 FLEETWOOD-THORNTON AREA ACTION PLAN (AAP)

5.3.1 The AAP was adopted on September 2009. The following policies are of most relevance:

Policy 1 - Environmental Quality and Protection
Policy 8 - Recreation and Leisure

5.4 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Section 4 - Decision making
Section 12 - Achieving well designed places

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections

7.0 REPRESENTATIONS

7.1 Two representations received raising the following issues:

- Highway works (dropped kerb) on Chestnut Gardens associated with previous permission for the nursery have not been completed.
- The previous permission for conversion restricted the use to that specified.
- Increase in traffic.
- Increase in noise.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted to seek clarity on the use of the existing first floor and a revised plan showing the increase in curtilage and additional parking area. Agent confirmed that existing first floor is use in connection with the nursery and also provided a revised plan showing increase in curtilage and additional parking and turning area.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual impact / design / impact on the street scene
- Impact on residential amenity
- Impact on highway / parking
- Ecology / trees

Principle of development

9.2 The principle of the property to be used as a children's nursery was established via permission ref: 18/00209/FUL, which has been subsequently implemented. This application seeks to convert the first floor of the existing two-storey side extension into a two-bedroom self-contained flat to be used in connection with the nursery i.e. owners/managers accommodation. It is considered that the proposed flat will not serve as a separate planning unit and will assist with the operation of the lawful business on site. The site is sustainably located within the urban area where new residential development is supported. The site is located within the AAP and the Pool Foot Farm site is designated as an area of recreation and leisure which is required to be retained. The change of use of land within the application site to parking, whilst not strictly in compliance with Policy 8 of the AAP, is nevertheless considered acceptable. It will not prejudice the future use of the overall site for recreation and leisure purposes when taking into account its small size and its location at the very southwest corner of Pool Foot Farm. In terms of the Emerging Local Plan, the site is designated Green Infrastructure. Policy CDMP4 does not permit the loss of green infrastructure unless a connected network of green space is maintained and the development can be accommodated without the loss of the function of the Green Infrastructure. Both would be satisfied in this case. As such it is considered that the principle of the development is acceptable subject to other material planning considerations assessed below.

Visual impact / design / impact on the street scene

9.3 The change of use will have no impact on the appearance or character of the property with the only external alteration being the addition of the external access staircase. This staircase is modest in size and due to its position on the property it will not appear dominant nor incongruous. In terms of impact to the street scene it is set well back from the Fleetwood Road North frontage with minimal views available from public vantage points.

9.4 The increase in curtilage, for use as additional parking, will have minimal impact on the character of the area. Due to its position immediately to the rear of 256 Fleetwood Road North there will be no direct views from public vantage points. Although it will result in the loss of some land designated as 'Environmental Assets' in the emerging Wyre Local Plan its small size and location immediately adjacent

existing well-established residential properties means that there will be no detrimental impact to the immediate area as an Environmental Asset. In addition it should be noted that the on-going development at the Pool Foot Farm site has significantly altered the character of the surrounding area.

9.5 As such it is considered that the proposal complies with Policy SP14 of the adopted Wyre Borough Local Plan, Policies CDMP3 and CDMP4 of the emerging Wyre Local Plan and paragraph 127 of the NPPF.

Impact on residential amenity

9.6 The change of use of the first floor, to a self-contained residential flat for use by the owner, will have no impact to neighbouring residential amenity as the use is compatible with neighbouring uses. The proposed external staircase is positioned on the north facing side elevation of the property and is set 12.5m back from the rear boundary of 256 Fleetwood Road North. Whilst the staircase is external and some views could be obtained westwards towards the neighbouring property the separation distance stated above is considered sufficient to ensure there will be no detrimental loss of privacy. Due to the size and nature of the staircase there will also be no loss of light nor overbearing impact.

9.7 Due to the orientation of other nearby neighbouring properties there will be no impact to the amenity of these properties. In order to ensure that the proposed flat is afforded suitable amenity it is considered necessary to condition its occupation to those employed by the nursery. Taking the above into account it is considered that the proposal complies with Policy SP14 of the adopted Wyre Borough Local Plan and Policy CDMP3 of the emerging Wyre Local Plan.

Impact on highway / parking

9.8 The proposal includes the increase in parking provision to the north of the site. This additional parking provision is considered acceptable and will ensure there is no conflict between visitors to the nursery and the occupants of the flat. The existing accesses are to remain unchanged and LCC Highways have raised no objection to the proposal on highway safety grounds. The proposal is therefore considered to comply with Policy SP14 of the adopted Wyre Borough Local Plan and CDMP6 of the emerging Wyre Local Plan.

Ecology / trees

9.9 The application site is located within a SSSI Impact Risk Zone (IRZ) as such consideration needs to be given to any potential impact to protected species. The site is located immediately adjacent existing built development, to the northwest and east, and is not close to any potentially sensitive areas such as ponds, Biological Heritage Sites (BHS) or the nearest SSSI itself. As such it is considered that there will be limited issues with regards to ecology. The site does contain some small trees which could potentially provide some habitat for wildlife however it is indicated that some of these are to be retained as part of the development.

9.10 The increase in curtilage will result in existing trees being incorporated into the site. The submitted plan indicates that these trees are to be retained however it is not considered necessary to condition their retention. The trees are small and offer little amenity value and therefore their retention is not considered imperative to the acceptability of the scheme taking into account the character of the immediate locale.

As such it is considered that the proposal complies with Policy ENV7 of the adopted Wyre Borough Local Plan and Policy CDMP4 of the emerging Wyre Local Plan.

Other Issues

9.11 The representations received raised concerns over the non-completion of the highway works (dropped kerb) on Chestnut Gardens associated with previous permission and that this previous permission for conversion restricted the use to that specified.

9.12 With regard to the completion of previously approved works, this is not a consideration for this application. The dropped kerb to serve the egress onto Chestnut Gardens was approved as part of application ref: 18/00209/FUL and therefore it is a matter for enforcement to investigate as to the non-completion of the works.

9.13 With regard to the restricted use of the site to that specified in application ref: 18/00209/FUL, this application does not seek to change the lawful use of the site as a children's nursery. The proposal is to be used as accommodation for the owner and a suitably worded condition can be attached to any consent ensuring that this is the case. In any event any new application is assessed on merit notwithstanding any previous permissions.

9.14 The application site is within Flood Zone 1, at the lowest risk of flooding, and therefore it is not relevant to apply the Sequential / Exceptions Tests nor request a Flood Risk Assessment.

10.0 CONCLUSION

10.1 The proposal is for the conversion of part of an existing children's nursery to a self-contained two bedroom flat to be used in connection with the nursey. The proposal includes the addition of an external staircase to the side elevation and the change of use of land to an additional parking area. No operational changes are proposed to the nursery. Having taken into consideration all relevant matters the development is seen to comply with the provisions of Policies SP14 and ENV7 of the adopted Wyre Borough Local Plan and Policies CDMP3, CDMP4, CDMP6 and SP2 of the Emerging Wyre Local Plan to 2031. The policy conflict with the AAP is justified in this case. Subject to conditions the proposal is recommended for approval.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

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

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

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

- Site Plan - 18-201-P02
- Existing and Proposed Plans & Elevations - 18-201-P01 Rev A

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

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

3. The development shall be carried out using those materials specified on the approved plans, application form and email from the agent dated 16.01.2019.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

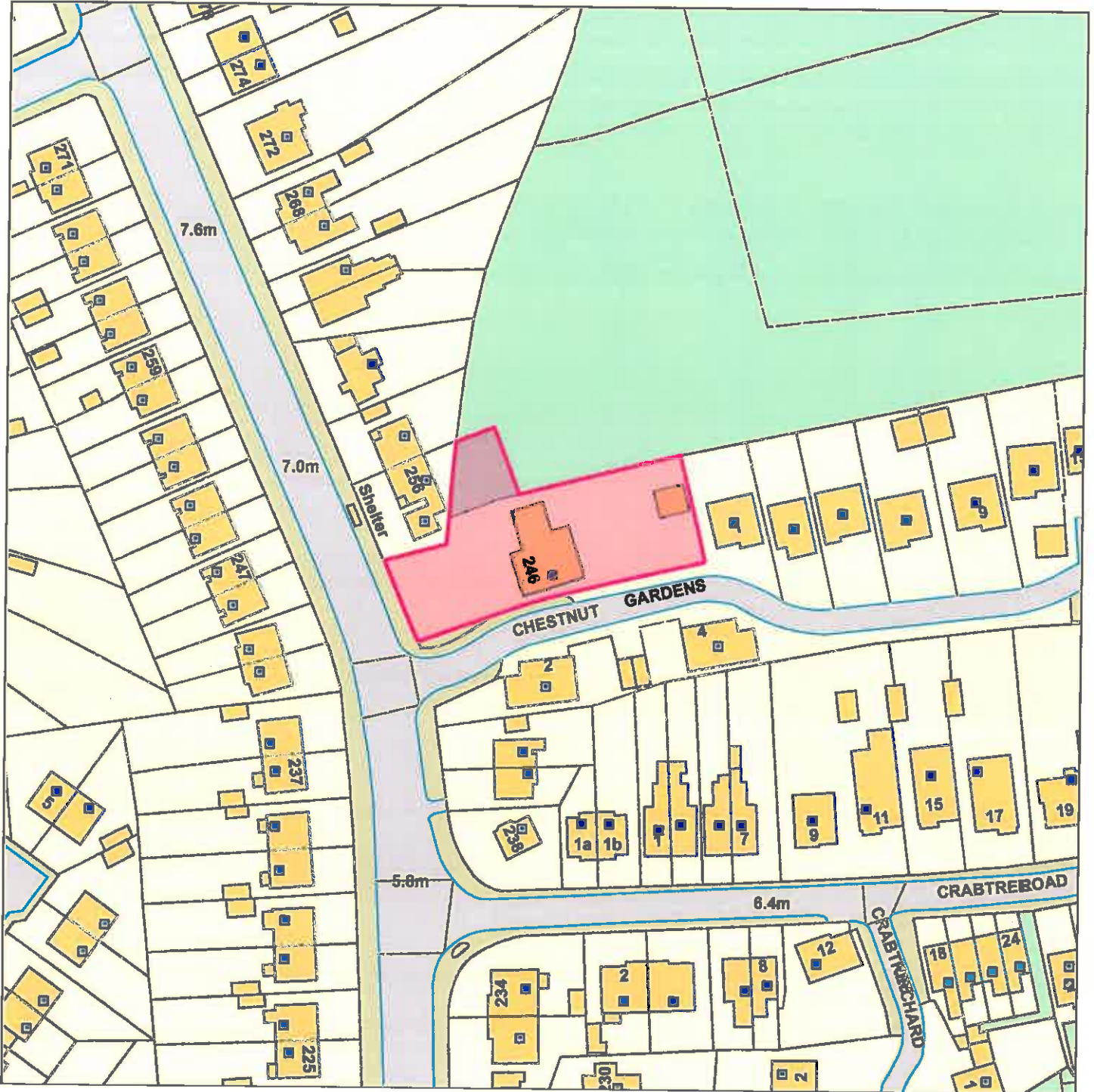
4. Prior to the first occupation of the flat, hereby approved, the additional parking and turning area shown on plan ref: 18-201-P02 shall be laid out and made available for use and thereafter retained for the parking and turning of vehicles.

Reason: To ensure sufficient levels of off-street parking and in the interests of highway amenity.

5. The occupation of the flat, hereby approved, shall be limited to a person solely or mainly working for the adjoining children's nursery (including any dependants of such a person residing with them).

Reason: The use of the flat as a unrelated separate unit of accommodation would result in a conflict of uses impacting on residential amenity contrary to Policy SP14 of the adopted Wyre Borough Local Plan, Policy CDMP3 of the emerging Wyre Local Plan and the National Planning Policy Framework.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	23 January 2019
SLA Number	100018720

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Committee Report**Date: 06.02.19**

Item Number	05
Application Number	18/01094/FUL
Proposal	Two storey front and side extensions with front dormer
Location	Far End Holmefield Avenue Thornton Cleveleys Lancashire FY5 2QP
Applicant	Mr Thomas Eaves
Correspondence Address	c/o Newman 34 Caryl Road Lytham St. Annes FY8 2QB
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Charlotte Parkinson****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Cllr Ormrod. 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 a two storey detached property located at the western end of Holmefield Avenue which is a cul-de-sac. The property has a pitched roof with gable front and is constructed from red brick and render with brown roof tiles. There is a pitched roof dormer clad in matching roof tiles on the east facing roof elevation and a detached garage in the rear garden.

2.2 The property is set in a generous garden curtilage enclosed by a 2m high rendered wall on the eastern boundary, a 2m high red brick wall with pillars and railings on the southern boundary and the remaining boundaries being enclosed by timber fencing approximately 1.6m high.

2.3 Vehicular access is taken from Holmefield Avenue. The surrounding area of Holmefield Avenue comprises large detached residential properties which vary in style and design.

3.0 THE PROPOSAL

3.1 The proposal seeks planning permission for a two storey front and side extension on the eastern and southern elevation of the property. The proposed extension will have a pitched roof which will be 4.3m to the eaves and 6.5m to the ridge and will measure 7.5m length and 2.9m width. It would be set in from the boundary with the neighbour at Red Trees by 1m. In the east facing elevation there

would be 3 first floor obscure windows measuring 0.5m x 1.3m and at ground floor there would be a further 3 windows measuring 0.5m x 2m. On the southern elevation there will be a window at first floor and ground floor both of which will be encased in sandstone cill, lintels and mullions to match the existing windows.

3.2 A further two storey front extension is proposed in the central southern elevation. This will have a pitched roof which will be 4.3m to the eaves and 6.5m to the ridge and will extend forward of the original front wall 0.6m and measure 2.9m width. A pitched roof front dormer is also proposed sitting between these two proposed extensions.

3.3 The extensions will provide for an enlarged living room/lounge at ground floor level and an enlarged bedroom at first floor. It does not create additional bedrooms.

3.4 The proposed materials to be used are textured red faced brick and painted render to match the existing dwelling and brown roof tiles.

4.0 RELEVANT PLANNING HISTORY

- - 06/00342/FUL Two storey rear extension first floor side extension - Approved
- - 07/00754/FUL Two storey rear extension, first floor side extension - Approved.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

SP 14 Standards of Design and Amenity

H4 Alterations and Extensions to Residential Properties.

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September.

Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- CDMP 1 Environmental Protection
- CDMP 2 Flood Risk and Surface Water Management
- CDMP 3 Design

5.3 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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).

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

2 Achieving sustainable development

12 Achieving well designed places.

14 Meeting the challenge of climate change, flooding and coastal change.

5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.4.1 Supplementary Planning Document - Extending Your Home

Design Note 1 General Principles

Design Note 3 First Floor Side Extensions

Design Note 6 Dormers

Design Note 8 Front Extensions (including large porches)

6.0 CONSULTATION RESPONSES

6.1 none

7.0 REPRESENTATIONS

7.1 Two letters of objection have been received.

7.1.1 One letter requested the application be considered at Committee (Neighbour advised request must come from Ward Councillor).

7.1.2 The objections raised in the second letter relate to the following matters:

- Three large trees within 3 m of the proposed extension
- Current parking issues will be exacerbated
- The proposed extension will block light /restrict outlook
- Cumulative impact of previously approved extensions and the proposed is considered to be disproportionate to the dwelling.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Email to agent 23.11.18 to inform that application had been requested to go to Committee. Email to agent 11.1.19 requesting Flood Risk Assessment and Extension of time. Extension of time agreed 12.2.19.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual impact / design / impact on the street scene
- Impact on residential Amenity
- Impact on highway / parking
- Flood risk
- Ecology / trees

Principle of Development

9.2 The extension of a residential property within its residential curtilage is acceptable in principle subject to design and impact on amenity and other material considerations.

Visual impact/design/ impact on the street scene.

9.3 The application site is located in the North West corner of Holmefield Avenue, this part of Holmefield Avenue is a cul-de-sac. The proposed extension would be off set from the main street view.

9.4 The existing property is 'L' shaped with part of the front elevation stepped back 5.2m from the main front wall. The bulk and mass of the proposed extension in the south eastern corner of the property would infill this area resulting in a 2m two storey forward projection from the existing building line. The other proposed extension in the centre of the front elevation would have a lesser projection of 0.6m. Both extensions would be set off the original ridge line but would remain subservient and proportionate to the existing property, each with a pitched roof which would mirror the original pitch roof of the front elevation and provide symmetry to the design. The front dormer is a modest addition on the front roof slope in between the two proposed extensions

9.5 The use of textured red faced brick and render to match the existing front elevation and roof tiles to match the existing roof are considered acceptable.

9.6 Surrounding properties are two storey with individual design characteristics therefore the proposal is not considered to be detrimental to the character of the host

property or the surrounding area. The design and visual impact accords with saved policy SP14, policy CDMP3 of the emerging local plan and the Council's Supplementary Planning Guidance.

Impact on residential amenity

9.7 The side elevation of the proposed extension in the south eastern corner of the property facing Red Trees would be 7.8m long, 4.3m to the eaves and 6.5m to the ridge. It will be set in from the boundary by 1m. Approximately 2m of the 7.8m length will project beyond the main front wall of the existing property and beyond the front elevation of the neighbouring property to the east at Red Trees. Red Trees has a lounge window at ground floor and bedroom window at first floor in the closest part of the front elevation. These windows provide a view south with the proposed extension being located west, therefore whilst it is acknowledged that there will be a small reduction of daylight /sunlight later in the day, the modest projection and remaining outlook means this would not be considered to be unacceptable. This proposed extension in the south eastern corner of the property would screen the other proposed extension in the central front elevation and the front dormer from Red Trees.

9.8 There are 6 windows in the east facing elevation of the proposal, 3 at first floor and 3 at ground floor. The first floor windows are shown on the proposed elevation as obscure glazed. There are two windows in the first floor of the western side elevation of Red Trees which both serve bathrooms and are obscure glazed. The proposed obscure glazing to the first floor windows and 1.8m high wall forming the boundary between the application site and Red Trees would prevent overlooking and protect privacy. A condition can be added to require the first floor windows in this elevation to be provided and retained.

9.9 Two new windows are proposed in the existing east facing elevation, one at ground floor and one at first floor. The first floor window is proposed to serve a bedroom and therefore it is not considered appropriate to require this as obscure glazed. These windows will both face the western elevation of Red Trees which is blank except for the two small obscure glazed windows at first floor serving bathrooms. There would not therefore be any adverse overlooking or unacceptable loss of privacy.

Impact on highway / parking

9.10 There would be no loss of the existing off street parking spaces at the site and the existing vehicular access would be unaffected, therefore there would be no impact on highway safety.

Flood risk

9.11 The application site is located in Flood Zone 3. A Flood Risk Assessment has been submitted stating that proposed floor levels will be no lower than existing floor levels and flood protection measures will be incorporated into the build in accordance with Environment Agency guidelines. This mitigation is considered acceptable and in line with Environment Agency Standing Advice for householder developments. An informative can be added to further advise re flood proof measures.

Ecology / trees

9.12 There are several large conifer trees currently located in the location of the proposed extension which will be removed. These trees are not protected under a Tree Preservation Order and offer low amenity value therefore there would be no objection to their removal. A condition can be added about no removal of trees during the bird nesting season.

10.0 CONCLUSION

10.1 The design and location of the proposed two storey front and side extensions in the street scene are not considered to be visually detrimental. The concerns raised by neighbours have been fully assessed and it not considered that the proposal would have a detrimental impact on neighbouring amenity sufficient to refuse this application. The proposal would comply with Adopted Local Plan Policies SP14 and H4 and Policy CDMP3 of the Emerging Local Plan. Other issues have been assessed and are considered acceptable subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 15.11.18 including the following plans/documents:

- Existing and Proposed Elevations and Site Plan Drawing No 0018-065-01 (including Flood Risk Assessment contained on the plan)

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

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

3. The development shall be carried out using those materials specified on the approved plan (ref: Existing and Proposed Elevations and Site Plan Drawing No 0018/065-01).

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to the first occupation or use of the development hereby approved, the first floor windows in the east facing elevation of the proposed extension shall be:

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

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

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

5. 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 (March 2012).

Notes: -

1. The site falls in Flood Zone 3. It is therefore recommended that flood proofing measures are considered by the applicant and incorporated into the development where appropriate.

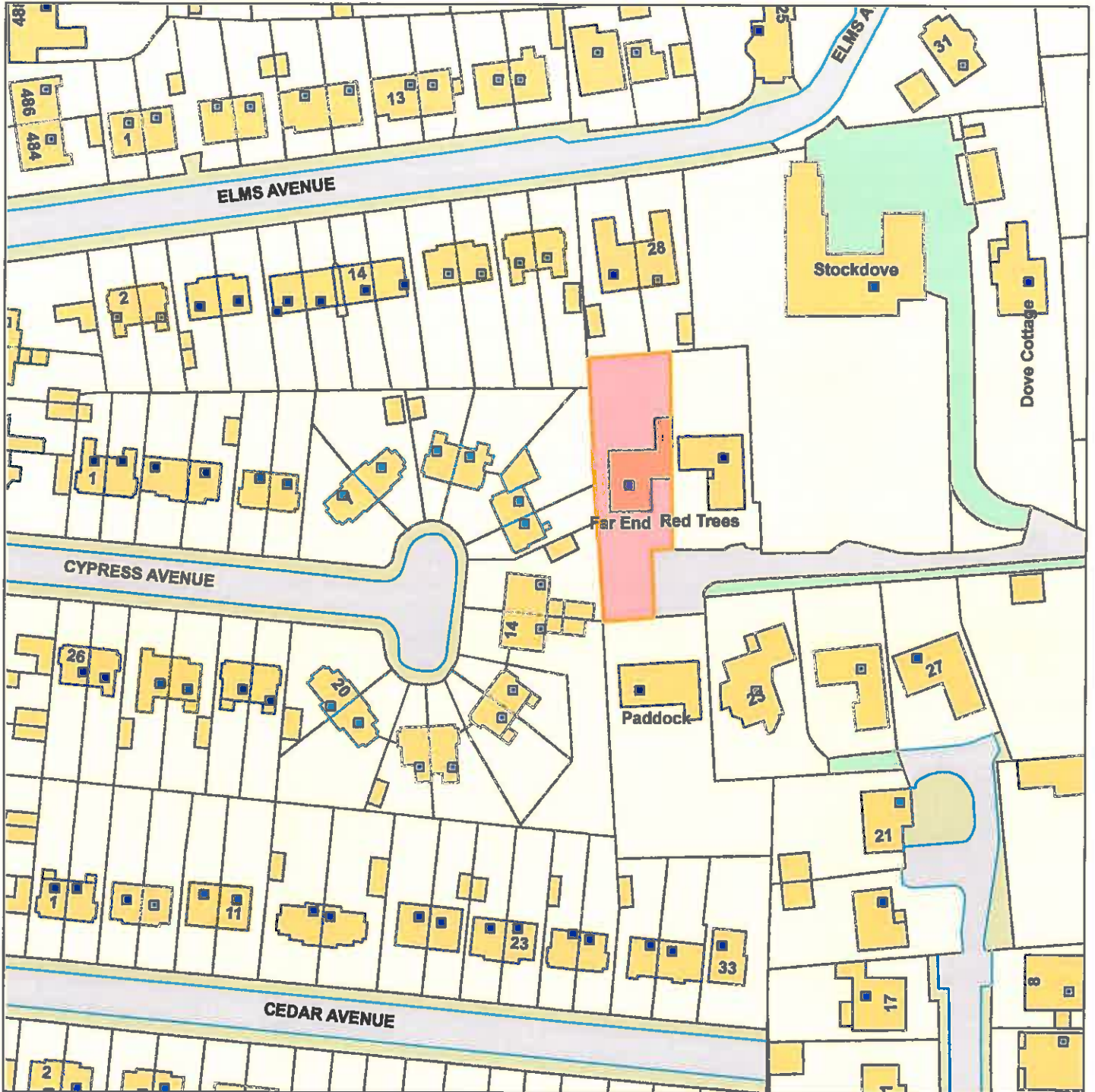
Further details are available on the GOV.UK website:-

- Improving the flood performance of new buildings: flood resilient construction (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)

- Prepare your property for flooding (<https://www.gov.uk/government/publications/prepare-your-property-for-flooding>)

Further Preparing for Floods guidance is also available on the Planning Portal website at <http://www.planningportal.gov.uk/buildingregulations/goodpractice/preparingforfloods>

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 5
Date	23 January 2019
SLA Number	100018720

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